

# Planning and Rights of Way Panel (EAST)

Tuesday, 30<sup>th</sup> September 2014  
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 Lewzey (Chair)  
Councillor Denness (Vice-Chair)  
Councillor Fitzhenry  
Councillor Hecks  
Councillor Tucker

### Contacts

Democratic Support Officer  
Sue Lawrence  
Tel: 023 8083 3569  
Email: [susan.lawrence@southampton.gov.uk](mailto:susan.lawrence@southampton.gov.uk)

Planning and Development Manager  
Simon Rowberry  
Tel: 023 8083 2044  
Email: [simon.rowberry@southampton.gov.uk](mailto:simon.rowberry@southampton.gov.uk)

## **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**

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

### **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

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

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** If, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

**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 2014/15**

<b>Planning and Rights of Way - EAST</b>	
<b>2014</b>	<b>2015</b>
8 July 2014	13 January 2015
5 August	10 February
2 September	10 March
30 September	7 April
28 October	5 May
25 November	

<b>Planning and Rights of Way - WEST</b>	
<b>2014</b>	<b>2015</b>
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
15 October	
11 November	
9 December	

## 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 of 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

**Agendas and papers are available via the Council's Website**

### **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.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting held on 2<sup>nd</sup> September 2014 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 13 GROSVENOR ROAD, SO17 1RU - 14/00999/FUL**

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 LAND TO REAR OF 28 TO 64 WINCHESTER ROAD AND REAR OF 204-218 WARREN AVENUE - 14/00676/FUL**

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

### **7 BITTERNE PARK PRIMARY SCHOOL, MANOR FARM ROAD - 14/01214/FUL**

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

**8 84 COMMERCIAL STREET - 14/01132/FUL**

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

Monday, 22 September 2014

HEAD OF LEGAL AND DEMOCRATIC SERVICES

---

PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 2 SEPTEMBER 2014

---

Present: Councillors Lewzey (Chair), Fitzhenry, Hecks, Letts and Tucker

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

It was noted that following receipt of the temporary resignation of Councillor Denness from the Panel; the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Letts to replace them for the purposes of this meeting.

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

**RESOLVED** that the minutes of the meeting held on 5<sup>th</sup> August 2014 be approved and signed as a correct record subject to an amendment to the resolution to Minute 10, amended resolution to read:

**“RESOLVED:**

- (i) that planning permission be refused for the reason (01) set out below; and
- (ii) that the forms of words for the reason for refusal based on highways and parking grounds (02), be delegated to the Planning and Development Manager, in consultation with the Chair and the proposer and seconder of the motion to refuse on those grounds.”

14. **60 - 64 ST MARY'S ROAD - 14/00931/FUL**

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.

Tom Jelley (applicant), Graham Linekar (Southampton Commons and Parks Protection Society / objecting) and Siddique Ismail (Newtown Residents' Association / objecting) and Councillor Burke (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:

- the amount of commercial floor space in the description of the development and within paragraph 2.2 of the report, should read 280 square metres and not 180 square metres;
- Recommendation 1 had been deleted and incorporated into a Condition; and
- Condition 29 be deleted.

The Panel agreed that for Condition 02 (Details of building materials) approval for the discharge of this condition be delegated to the Planning and Development Manager in conjunction with the Chair; and that the Chair would arrange for consultation with ward councillors and the local community on this matter.

**RESOLVED** that planning permission be granted subject to the amended recommendation, conditions in the report and the additional condition as set out below.

### Additional Condition

That no development to commence until a Section 106 Agreement has been executed for the heads of terms as previously set out in recommendation 1 of the report, with the addition of the following head of term:

(xiv) An obligation for the owner to identify which of the planning permissions will be implemented and that the planning permission that is not implemented is revoked with no compensation being payable.

### REASON

In the interests of the proper planning of the area and to mitigate the impact of the development in accordance with Policy CS25 of the City of Southampton Core Strategy (January 2010).

RECORDED VOTE to grant planning permission:

FOR: Councillors Fitzhenry, Letts, Lewzey and Tucker  
AGAINST: Councillor Hecks

15. **LAND TO REAR OF 28-64 WINCHESTER ROAD AND REAR OF 204-218 WARREN AVENUE - 14/00676/FUL**

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.

Chris Edmond (architect); Bill Hebb, Mrs J King and Mr McCann (local residents / objecting) and Councillor Coombs (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that the item be deferred in order for officers to secure amended plans through discussion with the applicant showing an increase in the level of parking to serve the development. The amended scheme to be brought back to Panel for determination following a re-consultation exercise with neighbours.

16. **54 SWIFT GARDENS - 14/01006/FUL**

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

Ravinder Atwal (applicant); Robert Stokes and Kelly Sydenham (local residents / objecting) and Councillor Payne (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED:**

- (i) that the Panel refused planning permission on the principles of (i) the effective loss of a family dwelling and (ii) parking provision and highway congestion; and
- (ii) that the form of words for the reasons for refusal be delegated to the Planning and Development Manager.



## Reasons for Refusal

### 01. REFUSAL REASON – Effective loss of a family dwelling.

The proposed layout of the upper floor three bedroom flat was not considered to provide a living environment suitable for use as a family dwelling as defined by Policy CS16 of the adopted Local Development Framework Core Strategy (January 2010) in particular the third bedroom within the roof space has limited head height and useable space and only served by roof lights. Additionally, the narrow width (2.7m) of the rear amenity space enclosed on both sides by 1.8m boundary treatment will feel cramped and enclosed and not suitable for normal informal recreational activity by a typical family. The proposal would therefore effectively result in the loss of a family home result in a layout which is out of character and context with the area and fails to provide an appropriate living environment for future occupiers contrary to Policy SDP1 (i) and SDP7 (iii) of the adopted City of Southampton Local Plan Review (March 2006) and CS16 of the adopted Local Development Framework Core Strategy (January 2010)

### 02. REFUSAL REASON – Insufficient parking and increased highway congestion

The proposed development was considered to provide an inadequate amount of on-site car parking for a development of two flats within an area of low accessibility, having regard to the existing take-up of on-street parking within the narrow cul-de-sac. Taken with the likely amount of car ownership and traffic generated by the development, it is considered that any car parking overspill from the development would impact negatively on the amenities of those living in Swift Gardens and lead to increased obstruction of the carriageway, footway and off-road parking spaces. The development proposal is thereby contrary to 'saved' policies SDP1 and SDP7 of the adopted City of Southampton Local Plan Review (March 2006) and policy CS13 and CS19 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the adopted Parking Standards SPD (September 2011) and Part 5 of the Council's adopted Residential Design Guide SPD (2006).

#### 17. **15 BELMONT ROAD - 14/01034/FUL**

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

Mr Sihota (applicant), Sandra Lochhead (Chair Portswood Central Residents' Association and Jackie Mansfield (local resident / objecting) and Councillor O'Neill (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to refuse planning application 13/00418/FUL for the reasons set out in the report.

#### 18. **21 MERRIDALE ROAD - 14/00976/FUL**

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

Clare and Amber Hayles (applicant), Geoff Wilkinson (local resident / objecting) and Councillor Paffey (ward councillor / objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel considered an additional condition presented by the planning officer making the planning permission personal to the occupancy of the applicant.

**RECORDED VOTE** to grant planning permission subject to the Additional Condition regarding personal occupancy:

**FOR:** Councillors Fitzhenry, Letts, Lewzey and Tucker  
**AGAINST:** Councillor Hecks

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

#### Amended Condition

##### 05. APPROVAL CONDITION - Storage/Removal of Refuse Material

Details of satisfactory facilities to be provided for the storage and removal of refuse from the premises to be submitted to the Local Planning Authority within 28 days of the granting of permission. If no details are received within this period the business shall cease operation until such time as details have been approved and implemented. The facilities shall include accommodation for the separation of waste to enable recycling.

##### REASON

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

#### Additional Condition

##### Condition 7 - Personal consent [Performance Condition]

The business use approved to only be operated by Mrs Clare Hayles whilst occupying the residential property of 21 Merridale Road and by no other person unless otherwise agreed in writing by the Local Planning Authority. Should the use cease or Mrs Clare Hayles no longer operate the business or reside at the property, the use of the business shall immediately revert to a C3 dwelling house.

##### REASON

To allow the local planning authority to control the specific nature of the use and to ensure that the operation takes place in connection with the residential dwelling to which it relates.

# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 30 September 2014 - 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	14/00999/FUL 13 Grosvenor Road
6	AL	DEL	15	14/00676/FUL Land to rear of 28 to 64 Winchester Road and rear of 204-218 Warren Avenue
7	NP/AA	CAP	5	14/01214/FUL. Bitterne Park Primary School, Manor Farm Road
8	JF/AA	CAP	5	14/01132/FUL 84 Commercial Street

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent

AA – Andy Amery

JF – John Fanning

AL - Anna Lee

NP – Nathan Pearce

**Southampton City Council - Planning and Rights of Way Panel**

**Report of Executive Director of Environment**

**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 Core Strategy (Adopted 2007)
  - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)
  
3. Statutory Plans in Preparation
  - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)
  
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. Planning related Government Circulars in most common use
- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
  - (b) Planning controls for hazardous substances 04/00
  - (c) Environmental Impact Assessment 2/99
  - (d) Planning Controls over Demolition 10/95
  - (e) Planning and Affordable Housing 6/98
  - (f) Prevention of Dereliction through the Planning System 2/98
  - (g) Air Quality and Land Use Planning 10/97
  - (h) Town and Country Planning General Regulations 19/92
7. Government Policy Planning Advice
- (a) National Planning Policy Framework (27.3.2012)
  - (b) National Planning Policy Guidance Suite
8. 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)
9. Other Statutes
- a) Crime and Disorder Act 1998
  - b) Human Rights Act 1998

# Agenda Item 5

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 30 September 2014  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 13 Grosvenor Road, SO17 1RU			
<b>Proposed development:</b> Conversion of existing building into five flats (two x 3-bed, two x 2-bed and one x 1-bed) with associated parking and cycle/refuse storage.			
<b>Application number</b>	14/00999/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	07.08.2014	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Claisse Cllr Norris Cllr O'Neill

<b>Applicant:</b> Mr H Singh	<b>Agent:</b> Concept Design & Planning
------------------------------	---

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

<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
---	------------

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below and the conclusions made in the Planning Inspectorate's Appeal Decision (Local Planning Authority reference (12/01449/FUL). Other material considerations including the character of the area comments from interested third parties and highway safety issues have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. Having regard to the Appeal Decision the scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP10, SDP11, SDP13, SDP16, H1 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19, CS20, CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010)

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History
3	Inspector's Decision	4	Barrister Opinion

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. An obligation to preclude future residents being issued with car parking permits.
2. In the event that the legal agreement is not completed within two months of the Planning and Rights of Way Panel decision, that 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.
3. 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.

### **1.0 Background**

- 1.1 The most recent application (LPA ref: 12/01449/FUL) for an identical development was refused under delegated powers in November 2012 due to the impact of the development on the amenity of neighbours and the character of the area. Officers felt that the creation of five flats would result in an unacceptable level and intensity of occupation and, together with the activity to and from the property, the proposal would likely harm the amenity of neighbours through noise and general disturbance, exacerbate on street parking difficulties and, in turn, the character of the area would be compromised. The application was refused on this basis.
- 1.2 The Refusal Notice was appealed and dismissed. In short, the Inspector disagreed with the Council but dismissed the appeal solely on the absence of an adequate parking survey as the applicant had failed to demonstrate that the surrounding roads could cater for the on street parking demand created by the five units. The Planning Inspector disagreed with the Council's reason for refusal relating to intensification of use, noise and character. Therefore, the consideration of this resubmission should focus upon whether or not the surrounding roads can cope with any potential on-street parking that could occur due to these additional units. As the application has not altered the Planning Inspector's decision is a significant material consideration in the determination of this current application. This decision was taken following the adoption of the Local Development Framework Core Strategy and is an up to date consideration.



## **2.0 The site and its context**

- 2.1 The building is a substantial detached property on the west side of the street between the junctions of Welbeck Avenue, to the north, and Grosvenor Gardens to the south. Dwellings have off-street parking, but few have on-site turning. There is very large garden to the rear and to the front is a hard surfaced forecourt sloping down from the front door to the street. This is capable of accommodating three cars safely.
- 2.2 Either side of the site are single family detached houses. A great part of the street is comprised of detached character properties, in use as single family houses, but elsewhere in the street there are semi-detached properties and some purpose built flats, such as: Richmond Gardens, Grosvenor Court, Dawtrey Court, Richmond Hall and Grosvenor Lodge, all south of the application site.
- 2.3 The site lies within a residents' parking permit zone.

## **3.0 Proposal**

- 3.1 The scheme seeks again to provide five Class C3 flats with an integral bicycle store at ground floor. No external changes are proposed. On the ground floor of the building, two three-bed units are proposed. Access to the front flats can be via the side elevation or the front. At first floor a further two flats are proposed which are both two-bed. Within the roof slope a two-bed unit is provided. All the units are accessed via the front door with direct access provided access to the rear garden area.
- 3.2 The rear-most flat on the ground floor would have three bedrooms and access to a dedicated area of garden with the remainder of the garden given over to serve the four other flats. The amenity space provided for all the units complies with policy.
- 3.3 Refuse storage is proposed to the rear and will be secured via a condition. Three car parking spaces are proposed within the existing driveway.

## **4.0 Relevant Planning Policy**

- 4.1 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**.
- 4.2 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.

## 5.0 Relevant Planning History

- 5.1 The full planning history can be found in **Appendix 2** of this report including the reasons for refusal associated with refusal 12/01449/FUL. The most recent and relevant application is set out below;

The authorised use of the site is a single dwelling as approved under permission 02/00482/FUL. This allowed for No. 11 and No.13 to be separate single dwelling houses, having previously been operating as a residential care home.

12/01449/FUL  
15.08.2013. Appealed and dismissed

Conversion of existing building into 5 flats within Class C3 ( 2x3x- bed, 2x2 - bed, 1x1 - bed ), with associated cycle and refuse facilities and 3 car parking spaces. Inspector's Decision Notice can be found at **Appendix 3**.

## 6.0 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 (15.07.2014). At the time of writing the report **20** representations including one petition with 53 signatures have been received from surrounding residents. Highfield Residents Association have objected and have included an Opinion (attached in full at **Appendix 4**) from a Barrister agreeing with their objection. The following is a summary of the points raised:

- 6.1.2 **The layout of the flats are not ideal family units as the linkages internally with each room and with the external space is not convenient. Amenity space would be insufficient to cater for stated intensity of occupation**  
Response

The Planning Inspector assessed (Decision Notice paragraph 19) the connection between the flats and the amenity space and stated that *'though this access would be lengthy it is not unreasonably so and the proposed layout does not suggest that access problems would arise'* and that there is an *'adequate quantum of amenity space'*. Whilst Policy CS16 and its no loss of family housing is triggered by the application it is considered that this policy is satisfied by the proposed layout.

- 6.1.3 **The proposal would result in a mini-student hall and the proposal results in an HMO.**  
Response

The scheme is for five flats and use of the units as an HMO would require a further planning permission.

- 6.1.4 **Over intensive use of the site, contrary to Council policy and NPPF, likely to harm amenities of neighbours through noise and general disturbance (alleged from previous occupiers and other properties in the street) and harm character of this part of the street predominantly made up of single family dwellings.**

Response

Due to the size of the property and that no external changes are proposed the Planning Inspector felt the proposal would not *'radically alter'* the character of the

area (Decision Notice paragraph 23). The Planning Inspector advised that no evidence had been submitted to indicate that more noise would be provided by these units than if it were a single family dwelling, so concluded the noise level and disturbance would be acceptable. As noise and disturbance can be controlled through other legislation it should not form a reason for refusal in this instance.

**6.1.5 The lack of a car parking survey carried out during term time.**

Response

The parking survey submitted was carried out during term time and indicates that parking spaces are available within the locality. Regardless of this the Applicant has agreed to enter into a S106 legal agreement to prevent the occupiers purchasing parking permits within neighbouring streets. See the Planning Considerations section of this report.

**6.1.6 Highway safety issues due to the number of proposed cars. Overspill parking likely from intensity of use which would inconvenience nearby residents.**

Response

The Applicant has agreed to enter into a S106 legal agreement to prevent the occupiers purchasing parking permits. Three parking spaces serve the five flats.

**6.1.7 Refuse storage would be unsightly.**

Response

A condition requiring refuse storage be enclosed is suggested and there is scope for an appropriate store as shown on the submitted plan. The condition would prevent unsightly storage.

**6.1.8 Precedent, which has been witnessed in nearby streets to have adversely eroded the family character of those streets and it is alleged affecting the viability of the Portswood primary school.**

Response

Every application is assessed on its own merits.

**6.1.9 The planning statements are misleading (rest home use having ended over 10 years ago) and that 15 bedrooms were created/ through sub-division by owner in property that formerly only had six bedrooms. It is considered that such sub-division works should be undone, which would then again make the property attractive to a large extended family/home working.**

Response

Officers can only assess applications that are before them.

**6.1.10 If to be consented, wish to see a condition restricting the use of the flat roof in order to prevent overlooking**

Response

A condition is suggested to prevent this.

**6.1.11 The forecourt is untidy and unsightly.**

Response

A condition requiring the three proposed car parking spaces be laid out prior to occupation will prevent the collection of large items within the driveway.

6.1.12 **The flats are small.**

Response

The Council does not have room standards but in this case the Planning Inspector (Decision Notice paragraph 18) felt that the units were not small and commented that the flats were a '*good size and layout*'.

6.2 **Consultation Responses**

6.3 **Highways Development Management – No objection Raised**

The submitted parking survey is slightly substandard due to some of the photos being very dark and hard to work out where exactly they have been taken along the street or even which street it is. However, some of the photos do show unique road features meaning the locations can be confirmed as stated.

6.4 The development could generate between an additional four to eight permits but the survey suggests that there is capacity to accommodate that. With the confirmation of the survey being conducted within term time, the parking survey is acceptable as it shows enough empty on-street spaces for this development and therefore the proposal would not have a harmful impact on highway grounds.

6.5 A Section 106 agreement to restrict the development from being eligible for parking permits would eliminate any possibility of additional parking on Grosvenor Road. The applicant has agreed to this so no objection is raised.

6.6 **Community Infrastructure Levy (CIL) –**

The development is CIL liable as there is a net gain of residential units.

6.7 **Sustainability** – No objection raised subject to a condition securing a 20% reduction in energy use.

7.0 **Planning Consideration Key Issues**

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

- Principle of Development
- Highway Issues
- Intensification, Density and Amenity
- Development mitigation

7.2 Principle of Development

The principle of converting the building and the formation of five flats is acceptable as agreed by the Planning Inspector. There is no net loss of a family dwelling unit as a three bed unit with a separate lounge, kitchen and private garden is re-provided. The proposal also provides the opportunity to increase the supply of much needed residential accommodation that will help the Council achieve the City's housing targets. Policy CS4 identifies the need for 16,300 new homes in the City between 2006 and 2026. The NPPF introduces a presumption in favour of sustainable housing development. The proposed residential density is 90 dwellings per hectare (dph) which accords with requirements of LDF Policy CS5.

7.2.1 The proposal provides two three-bedroom units at ground floor, one with direct access to private amenity space of at least 20 square metres and the other with access to shared amenity area. The scheme is therefore compliant with Policy CS16 (Housing mix and type).

### 7.3 Highway Issues

In this location the maximum parking standard for this is nine spaces for the proposed five units. Three spaces have been provided on site which complies with current standards. As set out in the Council's Parking Standard's SPD some level of off-street parking is expected, and the applicant must demonstrate that the amount of parking provided would be sufficient for the locale. The applicant has submitted a parking survey undertaken within term time that demonstrates that on-street spaces are available within the evening. Therefore, the proposal addresses the Planning Inspector's reason for dismissing the scheme previously. Highway Officer's agree that the surrounding roads could cater for the number of cars that could be associated with this development. For the avoidance of doubt the parking survey was carried out on 1<sup>st</sup> October 2013 at 8.30 pm, 9<sup>th</sup> January 2014 at 10 am and 10<sup>th</sup> January at 00.15 am. All times were within the University of Southampton's term time (26<sup>th</sup> September 2013 to 14<sup>th</sup> December 2013 and 6<sup>th</sup> January 2014 to 29<sup>th</sup> March 2014).

7.3.1 As the site lies within a Resident's Parking Zone, up to two parking permits could be issued to each property although the Council's stance is not to issue permits to new development completed after 2001. The Applicant has agreed to enter into a legal agreement preventing the units claiming parking permits.

7.3.2 Therefore, on the basis that permits are not going to be issued to these new units and as a car parking survey has been provided the proposal addresses the Inspector's previous concerns. As no harmful additional on-street parking will occur (regardless of the fact there is space) the scheme is now deemed to be acceptable in planning terms. No Highways objection has been raised to the proposal.

### 7.4 Intensification, Density and Amenity

In terms of the site's intensification, the Inspector disagreed with the Council's previous position that the proposal would be harmful in terms of noise and disturbance to the neighbouring properties. Comments from the residents, and the Barrister's Opinion, state that the assessment made by the Inspector in terms of the proposed intensification of the site was full of assumptions. However, the Inspector's thought process is clearly laid out in the Decision Notice and it would not be expedient to refuse a scheme once again on this basis. To do so without fresh evidence to support a reason for refusal could put the Council at risk of an award of costs should the applicant chose to appeal such a refusal.

7.4.1 The Inspector states that the layout of the all flats is suitable as the light and outlook received by all the units is acceptable. The connection to the amenity area, although a distance, was deemed fit and would suit families regardless of its remote nature. The character of the area is residential and the introduction of these new units would not detrimentally alter the general character of the area as the Inspector felt the size of the property could cater for the use. The same is true for the noise and disturbance as the Inspector felt no sufficient evidence was submitted to the contrary. In summary the Inspector assessed the application as being acceptable in these terms.

7.4.2 All other issues such as density and impact on neighbouring properties in terms of loss of privacy did not form a reason for refusal by the Council, was not considered harmful by the Planning Inspector and should not be introduced as a fresh reason for refusal in this case. The scale of development is appropriate and yields a density in line with current requirements at 90d.p.h (which accords with 50-100 dph guidance of CS5).

#### 7.5 Development mitigation

In order for the proposed development to prevent parking issues within the vicinity a legal agreement, preventing future occupiers of the proposed flats from purchasing parking permits, is being entered into. This addresses the Planning Inspector's concern that the Applicant failed to demonstrate the proposal would not have a wider impact on the surrounding roads. This legal agreement now results in a development that is appropriate for this location. In addition to the above the scheme now triggers the Community Infrastructure Levy (CIL) which will be collected upon implementation of any consent.

### 8.0 Summary

8.1 In summary, this proposal provides needed additional housing which adds to the local housing stock. A parking survey has been provided showing sufficient car parking space within the local roads for parking. In addition, as a legal agreement preventing parking permits is being secured, the Planning Inspector's concerns have been addressed in full. Therefore, as planning policy and site conditions have not altered the Planning Inspectorate's decision is key. The application is considered to have addressed the previous concerns and can be recommended favourably.

### 9.0 Conclusion

Giving the clear conclusions reached by the Planning Inspector (having assessed each point of the Council's original reasons for refusal) and the securing of a legal agreement preventing the issuing of parking permit to further occupiers; it would be unreasonable to formulate any recommendation other than for approval subject to appropriate conditions.

#### **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(qq), 6(c), 7(a), 9(a), 9(b).

#### **ARL for 30/09/14 PROW Panel**

#### **PLANNING CONDITIONS**

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use 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 - 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 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 / commercial purposes.

### Reason:

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

## 03. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be submitted to and be approved in writing by the Local Planning Authority and be provided within the site before the development hereby permitted commences and such storage shall be permanently maintained for that purpose.

### Reason:

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

## 04. APPROVAL CONDITION Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved the three parking spaces shown on the approved plan to a size of 5m by 2.4m for the development shall be clearly marked out and allocated on 1:1 basis. The parking spaces shall be retained in perpetuity for that purpose and not used for any commercial activity unless agreed otherwise in writing by the Local Planning Authority.

### Reason:

To ensure a satisfactory form of development

## 05. APPROVAL CONDITION - Retention of three bed unit [Performance Condition]

Notwithstanding the approved plans, the ground floor rear flat with access to a private rear garden shall unless agreed in writing by the Local Planning Authority remain a three bed unit.

### Reason:

To prevent the loss of a family dwelling as secured by policy CS16.

## 06. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]

The roof area which incorporates a flat roof surface shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers.

#### 07. APPROVAL CONDITION Energy (Pre-Occupation Condition)

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 20% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

#### 08. 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.

#### 09. 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.

#### 10. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.



## 11. 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.

### Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

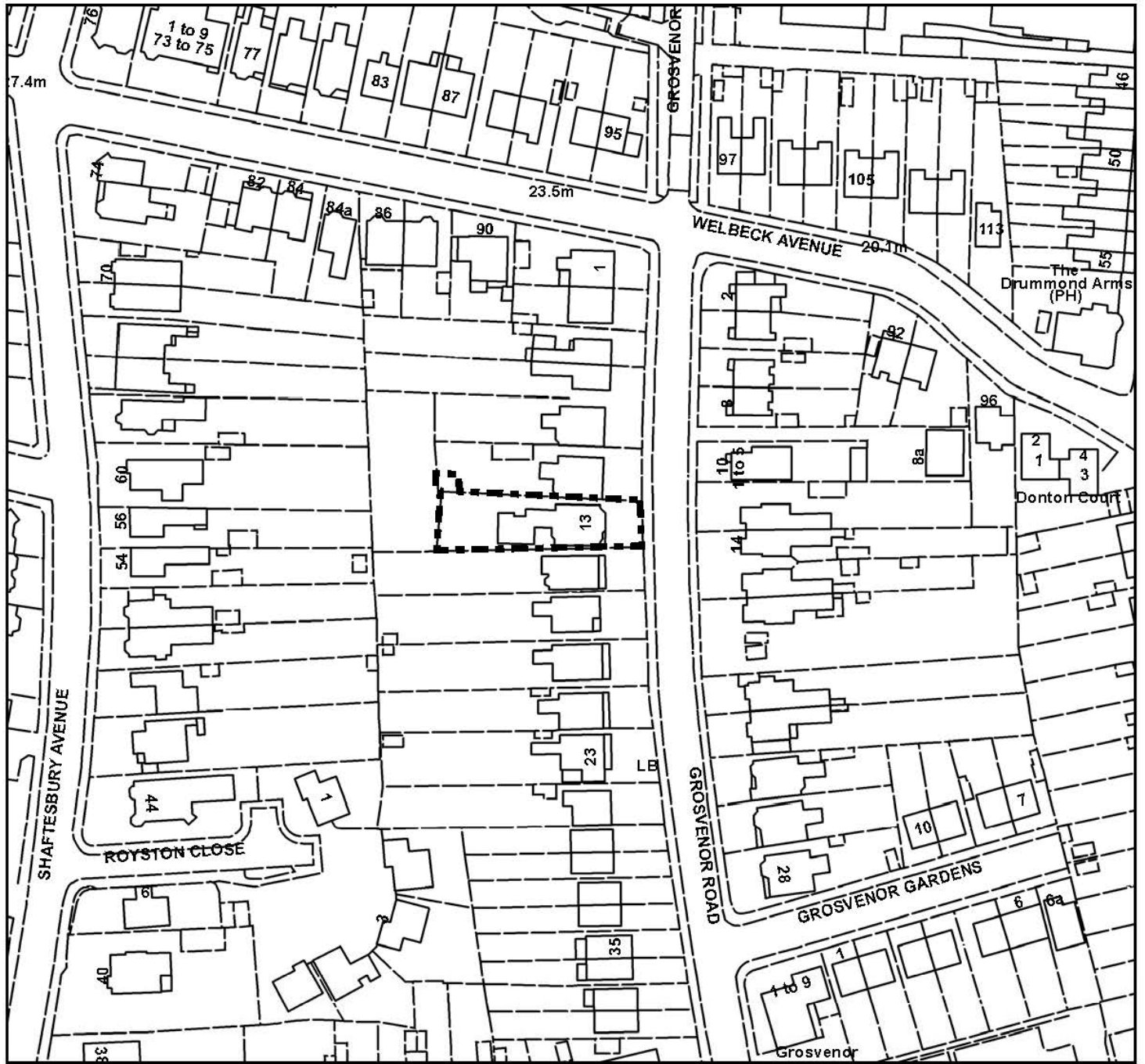
### Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

### Note to Applicant - Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

# 14/00999/FUL



Scale: 1:1,250



**Application** 14/00999/FUL

## **APPENDIX 1**

### **POLICY CONTEXT**

#### Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS6	Economic Growth
CS8	Office Location
CS9	Port of Southampton
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
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
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP16	Noise
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)

This page is intentionally left blank

# Agenda Item 5

## Appendix 2

**Application** 14/00999/FUL

### **APPENDIX 2**

#### **Relevant Planning History**

**1368/6** Conditionally Approved  
25.3.1969  
Extension to existing house at 13 Grosvenor Road.

**1512/M2** Conditionally Approved  
9.9.1976  
Rooms in roof and dormer windows at 13 Grosvenor Road.

**1601/M19** Conditionally Approved  
16.6.1981  
Use of premises as a rest home at No. 13 Grosvenor Road.

**M27/1639** Conditionally Approved  
20.12.83  
Use of 11 Grosvenor Road as rest home and erection of a single storey link between 11 and 13 Grosvenor Road. (Implemented).

**M03/1661** Conditionally Approved  
14.05.1985  
Erection of a single storey rear extension to provide 1 x 1 bed self-contained flat at 13 Grosvenor Road.

**02/00482/FUL** Conditionally Approved  
17.05.2002  
11-13 Grosvenor Road - Change of use to form two dwellings (Implemented).

**11/00038/ENUDEV**  
Investigation into unauthorised works at the property. Complaint received 24.1.2011. At site visit 25.1.11 owner (H Singh) stated refurbishment of property (which was not occupied) being carried out and construction of brick built outbuilding being undertaken as permitted development. Case closed at that time but owner advised that planning permission required to covert building into flats or occupy as sui generis house in multiple occupation.

**11/00196/ENCOU**  
Investigation into unauthorised change of use into house in multiple occupation. Complaint received 13.6.2011. Rights of Entry used to access property. Established that two separate tenancy agreements had been drawn up to commence 1.7.2011; one for 7 persons, other for 8 persons. Officers seek to obtain prospective tenants' contact details to pre-warn them that council seeking to take out an injunction to prevent the unauthorised use commencing. Interim injunction allowed by High Court, but not confirmed at second Hearing on basis that harm to tenants being made homeless outweighed potential harm to neighbourhood, which could be remedied by planning enforcement notice.

**11/01025/FUL** Refused  
13.09.2011  
Change of use from Class C3 to a Sui Generis 15 bedroom student house.

#### Reason for Refusal - Harm to the character of the area

The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as Sui Generis House in Multiple Occupation by 15 persons would cause serious harm, contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16) Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing) and the consultation draft of the Draft National Planning Policy Framework. The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the site by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to be students with more active lifestyles), which would not be compatible with the surrounding family housing;
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future;
- (iii) Be likely to cause overspill parking difficulties in the street, prejudicial to highway safety with people having to park tight to others' driveways and access points, detrimentally interfering with driver visibility when emerging into the street, whilst also not demonstrating adequate secure cycle storage as an alternative to the private car;
- (iv) Not demonstrating adequate refuse storage facilities, where the visual impact of the quantum of such storage would be likely to be visually intrusive in the street scene, given that the open forecourt of the property is the only realistic place to store refuse; and,
- (v) Not demonstrating convenient access through the building by occupiers of the separate tenancy agreement for 8 persons in the front of the property, sought through 'saved' Policy H4 of the City of Southampton Local Plan Review (March 2006) as supported by Section 4.4 of the Residential Design Guide (September 2006).

**11/01026/FUL**

Refused

13.09.2011

Conversion of existing dwelling to 2 sui generis houses in multiple occupation (1 x 7 bedroom dwelling and 1 x 8 bedroom dwelling) with associated bin and cycle storage.

#### Reason for Refusal - Harm to the character of the area

The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as Sui Generis House in Multiple Occupation by 15 persons would cause serious harm, contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16) Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing) and the consultation draft of the Draft National Planning Policy Framework. The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the site by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to

- be students with more active lifestyles), which would not be compatible with the surrounding family housing;
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future;
  - (iii) Be likely to cause overspill parking difficulties in the street, prejudicial to highway safety with people having to park tight to others' driveways and access points, detrimentally interfering with driver visibility when emerging into the street, whilst also not demonstrating adequate secure cycle storage as an alternative to the private car;
  - (iv) Not demonstrating adequate refuse storage facilities, where the visual impact of the quantum of such storage would be likely to be visually intrusive in the street scene, given that the open forecourt of the property is the only realistic place to store refuse; and,
  - (v) Not demonstrating convenient access through the building by occupiers of the separate tenancy agreement for 8 persons in the front of the property, sought through 'saved' Policy H4 of the City of Southampton Local Plan Review (March 2006) as supported by Section 4.4 of the Residential Design Guide (September 2006).

**11/02001/FUL**

Refused

27.03.2012

Conversion of existing dwelling to 2x 5 person dwellings in multiple occupation (Class C4) with associated bin and cycle storage.

Reason for Refusal - Harm to the character of the area

1. The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as 2 No. Class C4 Houses in Multiple Occupation, by 5 persons in each dwelling, would be an overdevelopment of the site and cause serious environmental harm. This would be contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16 of the Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). If granted permission, the proposals would prove contrary to the emerging Supplementary Planning Document on Houses in Multiple Occupation, approved by cabinet on 12 March 2012. The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing) – particularly paragraphs 9, 13 and 49. It is also though contrary to paragraphs 19 (final bullet point) and 116 (first and fourth bullet points) of the consultation draft of the Draft National Planning Policy Framework. The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the site by 10 separate persons at various times of the day and night and their use of the garden at the property would not be compatible with the surrounding family housing; and,
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future.

**12/01449/FUL**

Appealed and dismissed

15.08.2013

Conversion of existing building into 5 flats within Class C3 ( 2x3- bed, 2x2- bed, 1x1- bed ), with associated cycle and refuse facilities and 3 car parking spaces.

## Reason for refusal - Harm to the amenity of neighbours and character of the area

The proposed creation of five flats would result in a level and intensity of occupation, combined with a pattern of activity to and from the property that would be likely to harm the amenity of neighbours through noise and general disturbance and also be likely to exacerbate on street parking difficulties. This in turn would have an adverse impact on the character of this immediate part of the street, which is predominantly comprised of single family occupied dwellings, contrary to the government's objectives to create stable attractive communities under paragraphs 7 (2nd bullet point), 58 (1st bullet point) and 69 of the National Planning Policy Framework. As such, the proposed conversion of the property to one which would be multiply occupied by 5 dwellings with shared integral cycle store and common refuse facilities, with inconvenient access to a relatively remote common garden space for 3 flats would be contrary to the following policies of the Development Plan for Southampton:-

Local Plan Review (March 2006) - 'saved' policies SDP1 (i), SDP7 (v), SDP16 (i), H1 (iv), H2 (iii) and H4 (i)/(ii).

Local Development Framework Core Strategy (January 2010) - policies CS5 (1) and CS13 (11).





---

## Appeal Decision

Site visit made on 16 July 2013

**by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI**

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

**Decision date: 15 August 2013**

---

**Appeal Ref: APP/D1780/A/13/2190531**

**Grosvenor Rest Home, 13 Grosvenor Road, Southampton, SO17 1RU**

- 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 H Singh against the decision of Southampton City Council.
  - The application Ref 12/01449/FUL, dated 20 September 2012, was refused by notice dated 22 November 2012.
  - The development proposed is conversion of existing building into 5 flats with associated parking, cycle and refuse stores.
- 

### Decision

1. I dismiss the appeal.

### Main issues

2. The main issues in this appeal are:
  - noise and disturbance
  - parking effects
  - living conditions of future occupiers
  - the character of Grosvenor Road

### Reasons

#### *Noise and disturbance*

3. The appeal site is located on the west side of Grosvenor Road, and is flanked by substantial detached and semi-detached houses. Nos 13 and 11 were previously linked in connection with their joint use as a nursing home, but in recent years the two properties have been separated and planning permission has been granted for their use as two houses. During the years as a nursing home a large single storey extension was added at the rear of no 13.
4. In recent years no 13 has been used as a House in Multiple Occupation (HMO) and it appears that many of the rooms may have been subdivided at that stage to facilitate that unauthorised use. At one point an interim injunction was granted to prevent occupation by up to 15 students but was not renewed. Following the issue of an enforcement notice, a subsequent appeal was dismissed on three grounds, including because the use of the property was over-intensive and resulted in harm and disturbance to neighbouring occupiers.

5. The development before me is for a different configuration of accommodation, namely 5 self-contained flats, 2 being 3 bed units, 2 of 2 bed size and one a 1 bed flat. But I do not consider it probable that these 11 bedrooms would result in the building being occupied by up to 22 people, as suggested by the Council and local residents. Firstly, the submitted plans show a total of 16 bed spaces and the size of several of the proposed single bedrooms is such that it would be almost impossible for them to accommodate a double bed and other furniture. Secondly, the Council's *Planning Obligations Supplementary Planning Document* (PO-SPD) indicative occupancy levels referred to by the appellant suggest that units of the size and mix proposed would be likely to result in only around 10 or 11 persons in the converted house. Therefore, despite its proximity to the University, which no doubt makes this road attractive to students seeking accommodation in the vicinity, it seems to me that the fears of this building being occupied by as many or more people than the 15 when it was in use as an HMO are unlikely to be realised.
6. Nevertheless, the proposed conversion would probably attract young professional couples such as first time buyers, and it maybe that some of the units would also contain one or two lodgers. But no evidence has been produced to indicate that occupiers of the 5 proposed flats would be likely to be especially noisy or be likely to cause more noise and disturbance than if the building were used for its authorised purpose as a single family dwelling. A building of the size of no 13, with some 18 rooms, could provide for occupation by an extended family with perhaps several teenage or grown-up children living at home, many with noisy sound systems or similar. The parental controls and pressures referred to by the Council in the case of single family use are in my view just as likely to be employed by couples to manage the behaviour of their lodgers in order to avoid trouble with neighbours, while on the other hand extended families may be as likely as young couples to hold large and noisy parties for friends and relations.
7. Therefore, whilst I accept that in the former HMO use with around 15 occupiers the building was the source of much noise and disturbance, that was a very different arrangement where each individual could be characterised as constituting a separate household with a differing lifestyle and subject to little or no overall restraint. By contrast, the arrangement now proposed is, as the Council acknowledge, spacious internally and externally, with a good layout and plenty of access to natural light. Hence it is likely, by reason of its larger unit size and better living conditions, to be able to command higher prices and be more attractive to those who seek to avoid the problems associated with the less favourable living arrangements of an HMO occupied by students.
8. It also seems to me that the layout of the proposed flats and their points of access are less likely to give rise to noise and disturbance to neighbours and to one another by comparison to that which I understand was the case when the building was in use as an HMO. Though the side entrance would remain facing no 11, it would be used solely by the occupiers of the proposed Flat G.02, and the occupiers of the other four flats would all use the front door as their only point of access to the building. Although access to the shared rear garden would result in the occupiers of those 4 flats passing close to the side of no 11, it seems to me this access would largely be used in the daytime. Hence it would be improbable that occupiers accessing the communal rear garden to put out washing, enjoy the space or carry out other garden activities would create any significant noise or disturbance to occupiers of no 11.

9. I thus, conclude on the first main issue that the proposals would not cause unacceptable noise and disturbance to adjacent occupiers and hence cannot be considered a noise-generating development within the terms of saved Policy SDP16(i) of the adopted *City of Southampton Local Plan Review 2006* (LPR). For similar reasons the development would not conflict with the aims of saved LPR Policy SDP 1(i) which seeks to ensure that development does not unacceptably affect the amenity of the city and its citizens. Neither do I find conflict with a core aim of the *National Planning Policy Framework* (the Framework) which seeks development providing a good standard of amenity for existing and future occupiers of the building<sup>1</sup>. Though referred to by the Council in the decision notice, I do not find saved LPR Policies H2 and H4, which deal with, on the one hand, vacant, derelict and underused land, and on the other hand with HMOs, to be material to my conclusions on this issue.

### *Parking*

10. The Council's parking policy is contained in its Parking Standards Supplementary Planning Document PD (P-SPD) adopted in October 2011 and is part of the adopted Local Development Framework Core Strategy (LDF-CS); it thus attracts substantial weight. Although not referred to in the reason for refusal, I have been provided with this as part of the appeal documentation and because the appellant and the third parties are aware of its content no disadvantage would result if it is taken into account in my decision.
11. For residential development the P-SPD sets out maximum parking standards for Class C3 development which in this case seeks a maximum of 9 spaces for the proposed 5 units. The P-SPD says that this may be provided by both on- and off-street parking but that the latter should make up the majority of parking provision for larger developments. Whether the appeal proposals fall into this latter category is unclear but in any event two further considerations have to be taken into account.
12. Firstly, for schemes providing more than five bedrooms across all developments, some off-street parking is expected, and secondly, developers must demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum or a lower figure. In this case the submitted plans show 3 parking spaces on the forecourt to the building, which would satisfy the first provision, but the appellant has produced no evidence to show that this would be sufficient to cater for the vehicular traffic likely to be generated by the 5 flats.
13. Therefore, although the Council may have made assumptions about the probable occupiers of the flats and the P-SPD may not provide typical traffic generation figures to be applied to planning proposals, the onus is plainly on the appellant to demonstrate adequacy of parking provision. This is supported by the response of the Highways Officer who, when consulted on the appeal proposals, would not give a formal reply until a parking survey had been undertaken to assess the situation in Grosvenor Road. The absence of such a survey thus weighs against the proposals.
14. Furthermore, in November 2012 a Residents Parking Zone (RPZ) was designated for Grosvenor Road and the surrounding area and, according to the Highfield Residents Association, this grants two on-street parking permits to

---

<sup>1</sup> National Planning Policy Framework paragraph 17

each household in the Zone. This would result in the issue of 10 parking permits to the occupiers of the proposed conversion which means that, together with the on-site spaces, up to 13 vehicles could be lawfully parked on and around the appeal premises. By way of comparison, if the building were used for its lawful use as a single dwellinghouse, no more than 5 vehicles could be parked lawfully on- and off-site.

15. Whether or not either of these figures would be realised depends on the nature and wishes of the presently unknown occupiers and it would be difficult to forecast accurately, especially in the absence of a parking survey. The imposition of the RPZ thus reinforces the need for such a survey and adds weight to my conclusion on this matter in paragraph 13 above. I have also taken into account my observations of parking in Grosvenor Road at the time of the site inspection (around 1130 hrs) when there were many on-street parking spaces available. However, a single observation in the middle of the day does not seem to me a reliable basis on which to assess maximum or even typical parking stress in this road. That is supported by the observations of the Inspector who dealt with the enforcement appeal on this property in 2012 and also noted that spaces for on-street parking were readily available but added that this is likely to be subject to periods of fluctuating demand.
16. The best evidence on this issue is that of the Highfield Residents Association who say that on-street parking in the road is already greatly in demand due in part to its proximity to the University and the Portswood local centre. They report that cars are habitually parked close to dropped kerbs causing obstruction to vision for those drivers who, as I saw, are in many cases accessing properties with no turning facility and who must either reverse onto or from their forecourt parking spaces. Hence, by being unsighted due to on-street parking, reversing vehicles pose a potentially serious danger both to other vehicles travelling along the road and to pedestrians, and especially children, using the footway.
17. On this second main issue I therefore conclude that in the absence of a parking survey and contrary evidence, the greatly increased parking permit provision which would arise from permission for the proposed conversion would give rise to an unacceptable risk of serious inconvenience and danger arising from increased parking demand in Grosvenor Road. This adds further weight to my earlier conclusion and I find that the proposals conflict with the guidance in Section 4.2 of the P-SPD and thus with the aims of Policy CS19, "Car and Cycle Parking"<sup>2</sup> of the Southampton LDF-CS. Such guidance and policy is consistent with the Framework which supports locally appropriate parking standards and the minimisation of conflicts between traffic and pedestrians<sup>3</sup>. Accordingly, this issue weighs heavily against permission.

### *Living conditions*

18. I have already noted that the Council concedes the proposed flats would be of a good size and layout with plenty of access to natural light and an adequate quantum of amenity space, and I have no reason to disagree with that analysis. Accordingly it appears to me that the proposed density of the development would not be excessive or inappropriate in this area and therefore not conflict with LDF-CS Policies CS 5 and CS 13. I have also concluded that

---

<sup>2</sup> Parking Standards Supplementary Planning Document paragraph 2.1.1.1 refers

<sup>3</sup> National Planning Policy Framework paragraphs 35 and 39

the access to that part of the rear garden shared by 4 of the flats, though it would pass the bedrooms of the fifth flat, would not cause unacceptable noise and disturbance. Such an arrangement is not ideal, but in the case of conversions of existing property is often unavoidable due to the layout of the building.

19. In this case, the large rear extension, built when the property was in use as a nursing home, occupies most of the back of the original main building making access for any unit in the main building to the rear garden all but impossible without either passing through the flat in the rear extension or using the side access. To my mind the proposed arrangement using the side access is preferable to splitting the rear flat and would enable residents of the other 4 flats to share a separate access to a good-sized private garden. Though this access would be lengthy it is not unreasonably so and the proposed layout does not suggest that access problems would arise such that the conversion would be unacceptable.
20. Nor do I consider this arrangement would be unsafe for children playing in the shared rear garden. An occupier of any of the proposed flats who had young children would almost certainly be aware of the occupiers of the other flats and in a position to make a judgment as to the safety of his or her children in that context. Moreover, the close proximity of other occupiers in this and adjacent buildings makes it likely that there would be good natural surveillance so that any untoward event would be likely to be seen, with a high probability of intervention by an observer. In the case of very young children it is also not unreasonable to expect a close level of parental supervision, with one or both parents playing or being in the shared space at the same time, albeit engaged in other tasks.
21. Hence I conclude that the living conditions of future occupiers would not be seriously harmed by the appeal proposals, which comply with the aims of LPR Policy SDP 1(i) in that they would not unacceptably affect the health, safety and amenity of the city and its citizens. I also find that the quality of the development would comply with guidance in the Framework that seeks development that would function well in the long term<sup>4</sup>.

#### *Character of the area*

22. The appellant does not accept that Grosvenor Road is one of the few roads in this area which has managed to retain its family home character, and points to no 11 as an example of a nearby HMO, and he believes the area to be a mix of HMOs, flats and family houses. On the basis of what I saw during my site inspection, and in the absence of more precise evidence, it appears to me that the character of Grosvenor Road remains, as the Inspector in the 2012 enforcement appeal found, predominantly residential with a high proportion of family-occupied dwellings.
23. That being so, the changes which would be introduced by conversion to 5 flats would seem to be limited to some additional activity as a result of there being 5 separate households, plus the presence on the forecourt of a multiple bin store. The use of the left hand front room as a shared entrance and cycle store may also result in some change in appearance compared to use as for example, a lounge or dining room in family occupation. But though these

---

<sup>4</sup> National Planning Policy Framework paragraph 58

changes would affect the character of no 13 as a building, they are not so substantial as to radically alter the character of the entire street. No 13 is only one of many dwellings in Grosvenor Road, and no cogent evidence has been produced to show why a change to the proposed use should significantly affect the character of the street as a whole.

24. Moreover, the considerable size of no 13 compared to other houses nearby suggests that any use, including as a single family dwelling, would create a character which would not necessarily reflect the levels of activity and appearance of the other houses. Thus an extended family occupying the house would be as likely to generate comings and goings throughout the day and late at night as 5 separate households in the 5 proposed flats. Similarly, in single family use many vehicles would probably occupy the forecourt and multiple refuse bins would be required, perhaps housed for convenience on the forecourt.
25. Accordingly, whilst I agree that the proposals would result in the character of no 13 being different to that of most of the other dwellings in Grosvenor Road, it seems to me that those differences would not be so substantial as to affect the character of the road as a whole, nor would they be significantly different to what the character of this building would otherwise be, even if it were in single family occupation. Hence I conclude that no serious harm would be caused to the character of Grosvenor Road and the proposals do not conflict with the aims of LDF Policy C5(1) or LPR Policy SDP7(5) which respectively seek to protect and enhance the character of existing neighbourhoods and prevent material harm to the character and appearance of an area. I also find that the development would encourage a strong, vibrant and mixed community as supported by the Framework<sup>5</sup>.

## Conclusions

26. In reaching my conclusions I have borne in mind that, despite assertions that the proposals amount to the formation of an HMO, what is before me is a proposal for conversion to 5 self-contained flats within Class C3, and that the change of use to an HMO in Class C4 within the Southampton City Council area constitutes development requiring planning permission. Given this context and the understandable close interest of local residents in this site, it would be highly improbable that any attempt to use the premises as an HMO, which in any case the appellant strongly denies, could succeed even in the short term. I also note that the Council say that the officers would be likely to recommend for approval the subdivision of this building into two Class C3 dwellings, so that at some point subdivision of no 13 may well occur.
27. Furthermore, as accepted by the Council, the provision of 4 additional units would contribute towards fulfilling housing needs in Southampton through the conversion of an existing building. It would thus be in accordance with LPR Policy H1 (iv).
28. I have found the proposals acceptable in terms of noise and disturbance, the living conditions of future occupiers and their effect on the character of the area. However, they pose an unacceptable risk of causing inconvenience and danger to drivers and pedestrians in Grosvenor Road due to the increased traffic which would be likely to be generated by the occupiers of the flats, given

---

<sup>5</sup> National Planning Policy Framework paragraphs 7 and 69

the absence of evidence to the contrary in the form of a parking survey as required by the SPD in support of LDF-CS Policy CS19 and the recent designation of the RPZ in this area.

29. Therefore, for the reasons I have given and in the light of all other matters raised including the appeal decisions submitted as evidence, I dismiss the appeal.

*Sukie Tamplin*

INSPECTOR

This page is intentionally left blank



**IN A MATTER UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**Land at Grosvenor Rest Home, 13 Grosvenor Road, Southampton**

---

**OPINION**

---

**Introduction**

1. I am asked to advise Highfields Residents Association (“**HRA**”) with regards to planning application reference 14/00999/FUL (“**the Application**”) that has been made to develop land at Grosvenor Rest Home, 13 Grosvenor Road, Southampton (“**the Land**”).
  
2. The Application proposal is for the “...*Conversion of existing building into 5 flats (2 x 3-bed and 1 x 1-bed) with associated parking and cycle/refuse storage...*”. The application is subsequent to an earlier refusal and dismissal of appeal against the refusal. In preparing this Opinion I have fully considered the appeal decision of Planning Inspector Sukie Tamplin dated 15<sup>th</sup> August 2013 (“**the Appeal Decision**”). I have considered a number of other documents all of which have informed my opinion.

**The Appeal Decision**

3. The appeal against the previous refusal of Southampton City Council (“**the Council**”) was dismissed by the Inspector. She identified four main issues and addressed them as follows;
  - i. *Noise and disturbance* – concludes that the development is not a noise-generating development within the terms of the saved policy. The Inspector arrives at this conclusion by way of what can only be described as a somewhat contrived and speculative approach [**DL3-9**];

- ii. *Parking effects* – the absence of a parking survey and contrary evidence, the greatly increased parking permit provision which would arise from permission for the proposed conversion would give rise to an unacceptable risk of serious inconvenience and danger arising from increased parking demand in Grosvenor Road [DL17];
  - iii. *Living conditions of future occupiers* – the living conditions of future occupiers would not be seriously harmed by the appeal proposals [DL21];
  - iv. *The character of Grosvenor Road* – the character of the area would not be substantially affected as a whole [DL25].
4. The Inspector found against the Development only on the issue of parking effects. In response to this finding the applicant has now included a “parking survey” with the Application.
5. It should be noted that the Appeal Decision is not binding on future decision makers in the same sense as a Court of Appeal judgement. In a planning context it is merely another material consideration which should be taken into account. If a decision maker, whether the Council or an Inspector does not agree with the previous Inspector he or she is perfectly entitled to arrive at a different conclusion. It is however advisable, to provide adequate reasons for any disagreement.

### **The Application**

6. The application includes, presumably with the intention of addressing the concerns of the Inspector, a Parking Survey. It should be noted that the conclusions of the Inspector with regards to the impact of parking were not based solely on the lack of a parking survey and it does not therefore follow that the provision of a parking survey, assuming it is adequate will address the Inspector’s concerns.
7. The Inspector’s conclusions were as follows;

*“...the absence of a parking survey and contrary evidence, the greatly increased parking permit provision which would arise from permission*

*for the proposed conversion would give rise to an unacceptable risk of serious inconvenience and danger arising from increased parking demand in Grosvenor Road...” [DL17]*

8. The Inspector concludes that the **unacceptable** risk of serious inconvenience and **danger** arising from the increased parking demand was sufficient in its own right to refuse permission. Unless any parking survey relied upon demonstrated to a high degree of certainty that the unacceptable risk resulting in danger is not created then any decision maker on subsequent applications would be acting reasonably in refusing the application for that reason alone.
9. It would appear to me that the parking survey submitted by the application is inadequate. Given the impact in the wider area of students attending the University it is surprising that the parking survey has not taken account of the student population. The student use of the application locale can only increase the demand for parking, an issue identified by the Inspector and for a parking survey to be considered adequate it must incorporate the student element of parking.
10. However, even an adequate survey may not demonstrate that the concerns of the Inspector have been addressed and in this case it is clear that the survey relied upon is inadequate. In such circumstances the Council would be acted entirely reasonable in refusing the application. Indeed, I am of the opinion that the Council must, given the nature of the Inspector’s conclusions with regards to increased danger, refuse the application. The parking matter is not an issue of impact upon character and appearance but perhaps the more significant issue of increase in danger and risk to members of the public.
11. A further issue with which I have concerns is the approach of the Inspector to the issue of noise and disturbance. I consider her conclusions to be wholly unsustainable. I understand that the time for challenging the Inspector’s decision has passed but had I been instructed at an earlier date I would have advised that the Appeal Decision is materially flawed and any challenge commenced would have high prospects of success.

12. The Inspector speculates in a manner which is unlawful. An Inspector can only determine an appeal on the basis of the facts and arguments before her in the context of the prevailing law. In this case she has speculated as to the nature of the future use of the proposed building particularly with regards to the over-intensification of the use, as has been found to be an issue by Inspectors in previous appeals relating to the Land.
13. At **DL5** the Inspector concludes that the use of the building by 15 or more people is unlikely but she does not appear to have evidence to support such a finding. The simple fact is that the configuration of the proposed development will allow 15 or more people to occupy the Land and given that the Inspector accepts the unacceptable noise and disturbance that was caused when the building was previously occupied in such a manner the Inspector must provide adequate reasons (*South Buckinghamshire CC v Porter (No.2)*[2004] 1 WLR 1953) as to why that would not be the case now. I do not believe that she has provided reasons of the required adequacy, if at all.
14. Similarly, the findings at **DL6-7** are somewhat baffling. I understand that the Inspector had no evidence as to who would or might occupy any development on the Land. Further, it would appear that there is a valid argument that the 3 bed flats are unsuited to family occupation by virtue of either a lack of amenity space or an unsuitable layout, to which the Inspector gives no consideration. Her conclusions with regards to 5 households as opposed to one household and the disturbance and “parental controls” issue would appear to be pure speculation. They are conclusions not derived from evidence but from a speculative “*frolic*” of the Inspector. They are entirely unsustainable.
15. Finally, in the context of “*living conditions*” but not wholly unrelated to the noise and disturbance issue I consider the Inspector to have fallen into error in **DL20**. The Inspector is not entitled to place reliance on “...*good natural surveillance*...” when considering the adequacy and safety of amenity space. She has no knowledge of the occupiers of adjoining buildings, no evidence of the proposed occupiers of the proposed building. In any event all are subject to change and an Inspector would be

wrong in law to find that an amenity space is adequate and safe because unknown and unspecified neighbouring occupiers would probably provide an adequate level of informal surveillance. Such a consideration is entirely irrelevant and not founded in any evidence what so ever and contrary to the principles set down in *Seddon Properties v Secretary of State for the Environment* [1978] J.P.L. 835; 248 E.G. 950.

16. Given the identified failings of the Inspector I am firmly of the opinion that the Council, or indeed an Inspector on a further appeal would be entirely justified in taking a contrary position to the previous Inspector. Her conclusions are bordering on the irrational and wholly unsustainable. Additionally, the application has not satisfied the parking concerns.
17. I am of the opinion that the Council have no real option other than to refuse the Application.
18. I understand that the Council might be naturally concerned about the prospect of costs being awarded against them in any subsequent appeal but costs are only awarded where there is unreasonable behaviour resulting in unnecessary expenditure. The parking survey is inadequate and does not ameliorate the previous Inspector's concerns. A refusal is justified on that reason alone and it could not be asserted by the applicant that such a reason for refusal was unreasonable.
19. Given that a refusal is justified on that basis alone any subsequent appeal could not be said to be unnecessary. The applicant might asset that any refusal on reasons for which the previous Inspector had found there were no concerns was unreasonable but for the reasons set out above I do not believe that to be the case. Subsequent decision makers are entitled to arrive at different conclusions provided adequate and suitable reasons are provided. I consider that the Inspector has not addressed the issue of intensification in a lawful or adequate manner and I believe that any subsequent Inspector would find the reasoning of the previous Inspector to be somewhat surprising.

### **Conclusions**

20. I am of the firm opinion that the Council would be entirely justified in refusing the Application, for the reasons set out above. I do not believe such a refusal would be unreasonable and provided adequate reasons are provided I do not believe that the Council will be particularly exposed to an award of costs in any subsequent appeal.
  
21. I hope the above is of assistance and if there is anything further upon which I can advise or any questions arising from the above advice please do not hesitate to contact me.

**Michael Rudd**

**7<sup>th</sup> July 2014**

**Kings Chambers**

**Manchester-Birmingham-Leeds**

# Agenda Item 6

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 30 September 2014  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land to rear of 28 to 64 Winchester Road and rear of 204-218 Warren Avenue			
<b>Proposed development:</b> Redevelopment of the site to the rear of 28-64 Winchester Road and 204-218 Warren Avenue to include the construction of a new part two-storey and part three-storey building to provide 14 flats (nine x two bedroom, three x three bedroom, two x four bedroom) with access from Warren Avenue.			
<b>Application number</b>	14/00676/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	25.07.2014	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	Major planning application subject to 5 or more objections	<b>Ward Councillors</b>	Cllr Chaloner Cllr Coombs Cllr Kaur

<b>Applicant:</b> Homelife Developments Mr Glen Sahota	<b>Agent:</b> Chris Edmond Associates
---	---------------------------------------

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

<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
---	------------

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below and the Planning Inspectorate's Appeal Decision (Local Planning Authority reference 12/01923/OUT). Other material considerations including the character of the area and highway safety issues 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. Having regard to the Appeal Decision the scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP6 SDP7, SDP9, SDP10, SDP13, SDP16, SDP22, SDP23, NE4 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS6, CS13, CS15, CS18, CS19, CS20, CS22, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010)

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History
3	Inspector's Decision 12/01923/OUT		

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to 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 (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013);
  - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
  - vi. 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. A refuse management plan to ensure arrangements are in place for the removal of refuse and recycling from the property;
  - vi. The submission of a satisfactory slope stability report which demonstrates that with appropriate mitigation if necessary the development would not be subject to or cause land instability issues;
  - vii. An obligation to preclude future residents being issued with car parking permits.
2. In the event that the legal agreement is not completed within two months of the Planning and Rights of Way Panel decision, that 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.



3. 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.

## **1.0 Background**

- 1.1 The application was deferred by Panel on 2<sup>nd</sup> September 2014 as Members felt insufficient car parking was provided in order to meet the travel demands of the development. The original proposal showed eight car parking spaces and eleven have now been provided. Some 13sqm of useable amenity space has been lost and approximately 360sqm remains as two parking spaces lie within an area not included as amenity space. Neighbours have been notified of the changes.
- 1.2 The most recent application for a similar development was refused for failure to provide a sufficient width of access way of 3.1m (12/01923/OUT). The Refusal Notice was appealed and dismissed, albeit solely on failure to enter into a S106 legal agreement securing the matters set out in the above recommendation. The Inspector was satisfied with the proposed access. The Planning Inspector disagreed with the Council's reason for refusal relating to highway safety. Therefore, the revised application should only be assessed on the basis of the changes proposed to the scheme since the last application and the previous Inspector's decision is a significant material consideration in the determination of this current application.

## **2.0 The site and its context**

- 2.1 The application site is a vacant piece of land of an irregular shape which is bounded by the rear gardens of residential properties on three sides. The part of the site to be developed is overgrown. Beyond the northern site boundary is Hollybrook Greenway and Shirley Pond which is a Site of Importance for Nature Conservation (SINC). This boundary benefits from mature tree screening. There is a notable change in levels across the site with the land dropping away towards the northern boundary.
- 2.2 The site is accessed from an existing track between 218-220 and 216 Warren Avenue and this un-metalled road also provides access to garages associated with the residential properties which neighbour the site. Currently the site is in a poor condition and has a low visual quality, despite its back land location. The application site is located within Public Transport Accessibility Level (PTAL) 3 meaning that it has reasonable access to local shops, services and public transport links.

## **3.0 Proposal**

- 3.1 Full planning permission is sought for the construction of single residential block which would contain 14 flats at a density 87.5 dwellings/hectare. The block would front the access road with fenestration concentrated on the northern and southern elevations. The building would have a part two and part three-storey scale and would have a combination of flat and mono-pitched roof form. The front elevation is well articulated with a staggered building line and clear breaks in the massing. The overall design approach is relatively contemporary with a palette of materials including brick, render and timber boarding.

- 3.2 A total of 11 car parking spaces would be provided to the western end of the site. The building would have a staggered footprint which would front the vehicular access into the site. There are five units on the ground floor: three 3 bed-units, one 2-bed and one 4-bed unit. On the first floor there are five 2-bed units and one 4- bed unit. On the third floor are a further three 2-bed units. All units are accessed via the front, and cycle and refuse storage is located within the ground floor.
- 3.3 A total of approximately 360sqm (excluding areas under tree canopies) of amenity space would be provided in the form of communal grounds. This area equates to over 20sqm of useable space per flat (in line with current guidance) and two units have private garden areas. In addition to this, five of the flats would also benefit from private balconies. The development would utilise the existing point of access from Warren Avenue and it is proposed to surface the road in block paving and tarmac and introduce traffic calming measures including a speed table.
- 3.4 The scheme put forward is similar to the refused scheme bar some internal layout changes (which results in the repositioning of a balcony). The form, layout and number of units remain the same. The number of two and three bed units have been altered to provide nine 2-beds instead of 7seven and five 3-bed units instead of three. The number of car parking spaces has increased to address Members concerns from eight to 11. Therefore, on the basis that no major material changes to the either the layout or built form have been undertaken; the Inspector's decision is a material planning consideration in the determination of this application.

#### **4.0 Relevant Planning Policy**

- 4.1 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**.
- 4.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 4.3 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.



secondary and therefore a condition is suggested to fix shut and obscurely glaze these openings. The scheme is identical to that previously refused and the application was not refused for amenity concerns. In addition, the Planning Inspector in their decision at paragraph 23 agrees that amenity would not be detrimentally affected.

**6.1.4 Insufficient width for access by emergency vehicles**

Response

Emergency vehicles need 2.75m wide access and 2.8m is proposed.

**6.1.5 Concerned about construction damage and construction access**

Response

Any damage done to third party land is a civil matter, and with respect to the construction phase of the proposed development a construction management condition is recommended to prevent unnecessary disturbance to the wider vicinity.

**6.1.6 Concerned about pedestrian safety**

Response

Due to the straight access and the width provided the Planning Inspector deemed a 2.8m access width to be sufficient to prevent issues of highway safety.

**6.1.7 Loss of parking for properties to the rear of 218-220 Warren Avenue**

Response

These car parking spaces are to remain as shown on the site plan submitted.

**6.2 Consultation Responses**

**6.3 Highways Development Management – No objection as the road width of 2.8m is achievable subject to conditions securing parking space sizes, lighting, refuse management, cycle storage, sight lines, road construction and construction management plan.**

The application has been reviewed following the Appeal Decision, which removes the reason for refusal given by Highways Officers previously. Residents have commented on the route of the right of way/easement which exists to the rear of their properties, which is shown to be 8 feet wide, which is 2.4m. The applicant has documentation which concurs with this. However, the applicant has shown an access width of 2.8m, and therefore it is a legal issue which needs to be resolved outside of the planning process as to the different of 0.4m width to achieve the Inspector's agreed minimum width.

**6.4 The proposal for 14 flats has 11 parking spaces shown to be provided, around a turning head. Providing parking increases traffic generation along this narrow access route. However, due to the nature of the access route, it is not well overlooked and therefore is not user friendly after dark; making the provision of some parking acceptable. Warren Avenue benefits from on street parking in the form of Controlled Permit Zones, allowing a maximum of two hours waiting during the day time. Although residents of this new development will not be eligible for parking permits, they will be able to park in these areas during the uncontrolled times. There are bus stops in Warren Avenue very close to the site entrance, and the Shirley District centre is a short walk or cycle away, and the site does fall within an area of high accessibility. This means that there should be**

less dependency on the car due to ease of access to local amenities and regular bus services. Southampton General Hospital, as a major local employer, is a short walk or cycle ride away.

- 6.5 **Southern Water** - No objection but suggests conditions relating to connection to sewerage system.
- 6.6 **Sustainability** - No objection. Suggests conditions to secure code level 4.
- 6.7 **Ecology** – No objection subject to conditions relating to a biodiversity mitigation plan and a lighting plan that ensures that light pollution along the woodland edge is minimised.
- 6.8 **Affordable Housing** - As the scheme comprises of 14 dwellings in total the affordable housing requirement from the proposed development is 20% (CS15-sites of 5-14 units = 20%). The affordable housing requirement is therefore three dwellings.
- 6.9 **Environmental Health (Contamination)** - There is reason to suspect ground contamination on the site and therefore conditions are suggested to investigate this and secure any remediation if necessary.
- 6.10 **Environmental Health (Pollution and Safety)** - No objection subject to conditions relating to hours of work, piling and no bonfires (the restriction of bonfires is not included as it can be dealt with under separate legislation)
- 6.11 **Environment Agency** - No objection
- 6.12 **Southern Water** - No objection but suggests conditions relating to protecting the existing sewer.
- 6.13 **Archaeology** - The western part of the application site lies within the Old Shirley Area of Archaeological Potential. There is the potential for archaeological remains to be disturbed as a result of the development, and therefore an archaeological watching brief condition is recommended.

## **7.0 Planning Consideration Key Issues**

- 7.1 The key issues for consideration in the determination of this planning application are:
- Principle of Development
  - Highway Issues
  - Design, Density and Amenity
  - Development mitigation

### **7.2 Principle of Development**

The site is not previously developed land but is allocated for residential development by the saved policies of the Local Plan. The site itself does not provide useable recreational space nor does the site itself have particular ecological or landscape value. Furthermore, having regard to the planning history of the site, the principle of residential development is considered to be acceptable. The mix of accommodation accords with policy CS16 of the Core Strategy in that five genuine family flats are provided (this equates to 36%).

### 7.3 Highway Issues

The previous scheme was refused due to Highway Officer concerns that an adequate access width could not be provided that complied with policy. Highway Officer's required 3.1m as the minimum width, in line with best practice, at the pinch point where properties fronting Winchester Road have garages. This width was required to provide adequate width for vehicles and pedestrians /cyclists /wheelchairs /pushchairs to pass with care. However, as previously stated, the Planning Inspector disagreed with the required width as they felt a minimum 2.8m at the pinch point was adequate for the distance of 7.7m.

7.3.1 Land ownership issues are not a planning issue but due to the history of the site in terms of the applicant being unable to provide the previously required 3.1m, and conflicting information received, the applicants have submitted a digitalised survey to show that a 2.8m access can be provided. The plan shows that land the applicant either owns, has access over or has served notice on, is sufficient to provide the width required. Residents have commented on a right of way /easement for some of the properties along Warren Avenue and Winchester Road to access their garages exists but this access is only 2.4m wide. Therefore the required width agreed by the Planning Inspector can be provided.

7.3.2 In essence this means that the key issue for consideration for this virtually identical scheme is whether or not the applicant can complete the S106 legal agreement. Whilst there has been some confusion regarding landownership and the applicants ability to provide a 2.8m wide access this is now resolved and Officers are satisfied that this scheme is deliverable.

7.3.3 The revised proposal for 14 flats has eleven parking spaces proposed (this differs from the appealed scheme as requested). The Planning Inspector concluded that (in paragraph 11 of the Inspector's Decision) that the level of parking (with the provision of eight car parking spaces) in this location for the number of units was 'appropriate'. The number of spaces has been increased by three in order to address concerns raised by the Panel and other third parties over lack of parking. The number of spaces that are achievable on site is restricted by the amenity space requirements within policy CS16 and the need to provide spaces that are safe to access. It is felt that the revisions made represent the maximum number of spaces achievable without eroding the quality of the development.

7.3.4 The number of bedrooms proposed has been reduced from 37 in the appealed scheme to 35 for this scheme and therefore the maximum car parking spaces (applying current standard) possible for this development is 30. Therefore, on the basis that this scheme has less bedrooms and that the Inspector deemed the car parking level to be appropriate previously; the increased number of spaces proposed in this scheme is acceptable and complies with policy. Requiring the maximum level of on-site parking would result in a poor residential development to the detriment of prospective residents. The correct balance between housing delivery, on-site amenity space and associated parking is considered to have been found in this case.

#### 7.4 Design, Density and Amenity

All other issues such as design, density and impact on neighbouring properties did not form a reason for refusal previously and the Planning Inspector did not feel they warranted a refusal. The scale of development is appropriate and yields a density in line with current requirements (between 50-100 dph). Therefore, in terms of assessing this application, the key issue to be considered is whether or not the proposal addresses the concerns set out in the Inspector's decision and whether any changes put forward in this proposal warrant a refusal. All other matters have been addressed previously.

#### 7.5 Development mitigation

As identified by the Planning Inspector, 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. In addition, the scheme now triggers the Community Infrastructure Levy (CIL) and it is likely that the scheme's viability will need to be independently tested. The recommended delegations deal with this and it should be noted that the scheme was not previously viable with an Affordable Housing contribution. This will be independently verified.

#### 8.0 Summary

This site is allocated for housing within the City's adopted Local Plan and will assist the City in meeting its housing need. The scheme remains similar from that refused by officers under delegated powers with regard to scale, massing, car parking and cycle provision. As planning policy and site conditions have not altered, the Planning Inspectorate's decision is key. A 2.8m wide access is deliverable and the applicants are willing to enter into a S106 legal agreement. As such, the application is considered to have addressed the previous concerns and can be recommended favourably.

#### 9.0 Conclusion

Given the clear conclusions reached by the Planning Inspector (having assessed each point of the Council's original reasons for refusal) it would be unreasonable to formulate any recommendation other than for approval subject to appropriate conditions.

### **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(qq), 6(c), 7(a), 9(a), 9(b).

**ARL for 30/09/14 PROW Panel**

## **PLANNING CONDITIONS to include:**

### **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 and samples of building materials to be used [Pre-Commencement Condition]**

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. 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. APPROVAL CONDITION Access Road (Pre-Commencement Condition)**

Prior to the commencement of the development full details of the construction of the access road to a minimum width of 2.8 metres shall be submitted to the Local Planning Authority for approval in writing. These details shall include the alterations to surface treatment including crossover arrangements to existing garages and parking spaces, traffic calming measures, finished contours, levels and lighting. The agreed scheme shall be implemented as approved prior to the flats first coming into occupation and shall thereafter be retained.

#### **Reason:**

To ensure a satisfactory means of access to the development.

### **04. APPROVAL CONDITION - 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 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 / commercial purposes.

#### **Reason:**

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

### **05. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]**

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be submitted to and be approved in writing by the Local Planning Authority and be



provided within the site before the development hereby permitted commences and such storage shall be permanently maintained for that purpose.

Reason:

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

06. APPROVAL CONDITION - Sightlines specification [Pre-Commencement Condition]  
Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of 600m above carriageway level within the sight line splays.

Reason:

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

07. APPROVAL CONDITION Parking and Access [pre-occupation condition]  
Prior to the occupation of the development hereby approved both the access to the site as per the approved drawings to a width of 2.8m, and the 11 parking spaces to a size of 5m by 2.4m for the development shall be provided in accordance with the plans hereby approved. The parking spaces shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development

08. 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. The management plan will include details of where site operatives will park, detailing how deliveries will be timed to ensure that vehicles are not waiting on Coxford Road. 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.

09. 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).

10. 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).

11. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)  
Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

12. 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.

13. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

14. 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. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hardsurfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- 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. 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);
- iv. details of any proposed boundary treatment, including retaining 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

15. APPROVAL CONDITION - 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.

16. 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.

17. 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.

18. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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.

19. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement 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.

20. 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.

21. APPROVAL CONDITION Obscure Glazing [performance condition]

The windows in the east side elevation of the development hereby approved, above ground floor level, shall be fixed shut and obscurely glazed and retained in this manner for the lifetime of the development.

Reason:

In the interests of residential amenity

22. 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.

23. 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.

#### 24. 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.

#### Note to Applicant - Pre-Commencement Conditions

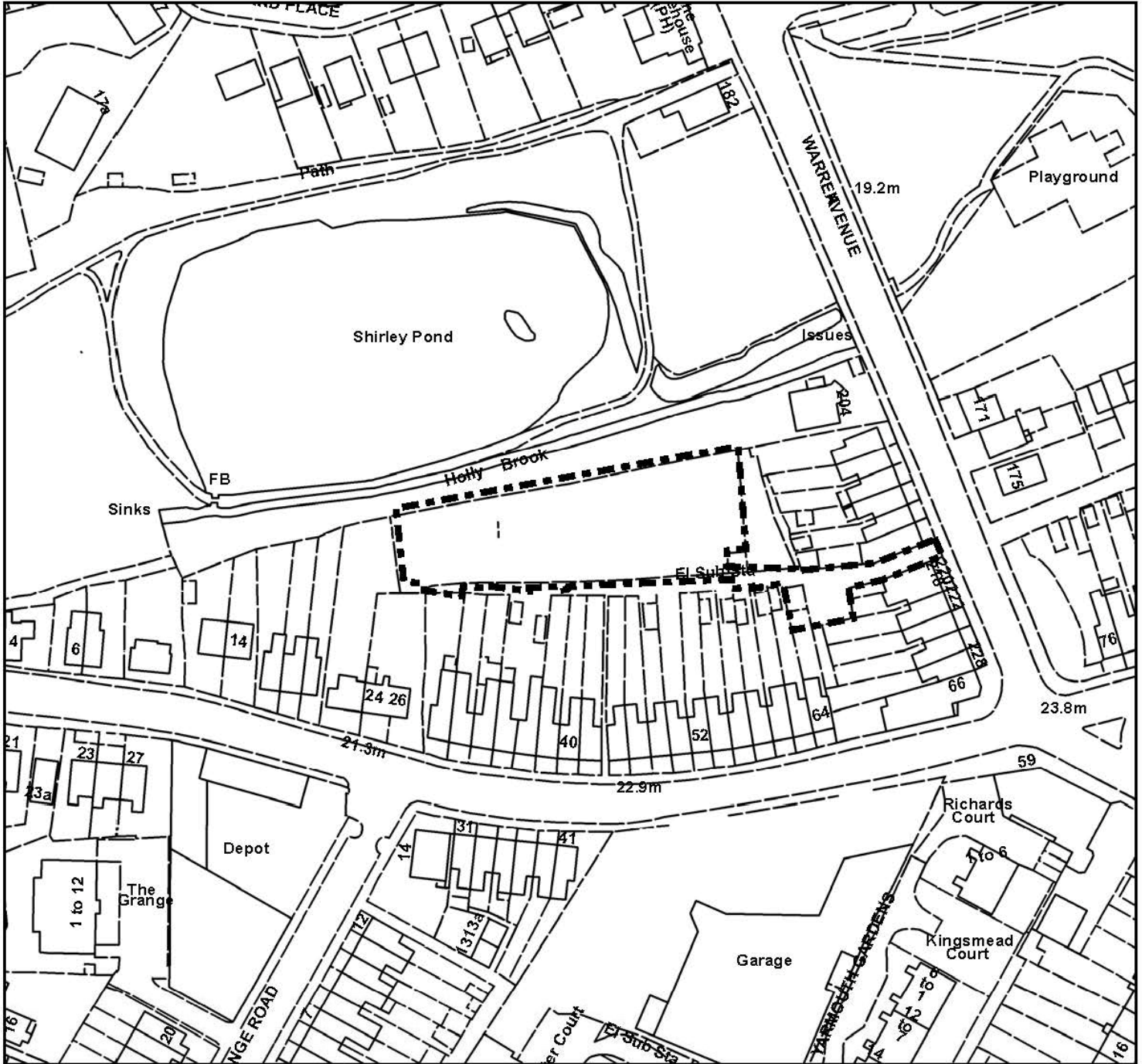
Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.  
</community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

#### Note to Applicant - Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

#### Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy>



Scale: 1:1,250



This page is intentionally left blank



**Application** 14/00676/FUL

### **APPENDIX 1**

#### **POLICY CONTEXT**

##### Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

##### City of Southampton Local Plan Review – (March 2006)

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
SDP16	Noise
SDP22	Contaminated Land
SDP23	Unstable Land
NE4	Protected Species
H1	Housing allocations
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)

This page is intentionally left blank

**Application** 14/00676/FUL

### **APPENDIX 2**

#### **PLANNING HISTORY**

**05/00101/OUT**

Withdrawn 26.04.2005

Erection of a two storey block comprising 15 flats (6 x 2 bed, 8 x 1 bed and 1 x studio) with associated car-parking (outline application for means of access, siting and external appearance)

218-220 Warren Avenue

**01/01488/FUL**

Conditionally Approved 18.07.2002

Demolition of 218 Warren Avenue and two storey extension to 220 Warren Avenue to erect two self-contained flats

**08/00095/FUL**

Conditionally Approved 27.11.2008

Redevelopment of the site. Erection of a part two-storey, part three-storey building to provide 14 flats (8 x 1 bedroom, 6 x 2 bedroom flats) with associated parking and vehicular access from Warren Avenue.

**10/00253/FUL**

Refused 04.05.2010

Redevelopment of the site to form 14 flats including a variation of planning permission 08/00095/FUL relating to access width to proposed development - Description of Development amended following validation.

#### **REASON FOR REFUSAL**

**01.REFUSAL REASON – Highway Safety**

The requirement for an access of no less than 3.1 metres in width to serve the development approved by application 08/00095/FUL is necessary to provide safe and convenient access to the residential development. An access width of less than 3.1 metres would not enable safe or convenient access for all, and in particular for wheelchair users, and would thereby fail to encourage use of alternative modes of transport to the private car. The proposal would thereby prove contrary to the provisions of policy CS13 of the Southampton Local Development Framework Core Strategy Development Plan Document and policies SDP1, SDP4 and SDP11 of the City of Southampton Local Plan (2006) and as supported by the Residential Design Guide Supplementary Planning Document (with specific reference to paragraphs 5.1.3 and 5.1.16 to 5.1.17).

**02.REFUSAL REASON - Code for Sustainable Homes and Climate Change**

In the absence of any commitment to the Code for Sustainable Homes, an improvement of energy and water efficiency, sustainable urban drainage and a low carbon development the application has failed to demonstrate that it can satisfy the requirements of the adopted LDF Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.

**03.REFUSAL REASON - Family Housing**

In the absence of either a development that includes any family housing (with 3 bedrooms and access to private amenity space) or further justification for a lack of such provision the scheme fails to assist the Council in meeting its current housing needs, particularly for families and, notwithstanding the permission for a mix of 1 and 2 bed flats, the current scheme has now been assessed as contrary to Policy CS16 of the Council's adopted Local Development Framework Core Strategy (January 2010).

**04.REFUSAL REASON - Direct Impacts**

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25

(The Delivery of Infrastructure) of the Council's adopted LDF Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- (a) Measures to satisfy the public open space requirements (including play space, open space and sports pitches) of the development have not been secured. As such the development is also contrary to the adopted City of Southampton Local Plan Review (March 2006) Policy CLT5 as supported by Policy CS21 of the adopted LDF Core Strategy (2010);
- (b) Notwithstanding the previous permission the development now triggers the need for an affordable housing contribution and without such a commitment the scheme fails to assist the City with its current housing needs issues and, as such, is contrary to Policy CS15 of the Council's adopted LDF Core Strategy (January 2010);
- (c) Measures to support sustainable modes of transport, the strategic highway network, and site specific highway requirements (such as necessary improvements to public transport facilities, the offering of sustainable travel vouchers and alterations to pavements in the vicinity of the site) have not been secured contrary to the adopted City of Southampton Local Plan Review (March 2006 Policy SDP1 as supported by policies CS18 and CS25 of the Council's adopted LDF Core Strategy (January 2010);
- (d) In the absence of a commitment to undertaking an off-site highway condition survey (as previously secured) the development fails to explain how its impacts will be managed both during and after the construction phase.
- (e) In the absence of a slope stability report (as previously secured) the application fails to provide sufficient detail regarding its structural design to enable the safe development of this site.
- (f) In the absence of a refuse management plan (as previously secured) the scheme fails to explain how refuse will be collected from the site on collection day.
- (g) In the absence of an amended access width restriction the development fails to secure a safe access that is fit for its intended purpose (see also the first reason for refusal).

Note to Applicant:

This final reason for refusal could be overcome following the submission of an acceptable proposal and the completion of a S.106 legal agreement which address each of the above points.

**12/01923/OUT**

Refused and dismissed at Appeal 19.08.2013

Redevelopment of the site. Erection of a new building to provide 14 flats (7 x two-bedroom, 5 x three-bedroom and 2 x four-bedroom) with access from Warren Avenue (Outline application seeking approval for Access, Appearance and Layout).

## REASON FOR REFUSAL

### 01.REFUSAL REASON - Highway Safety

The requirement for an access of no less than 3.1 metres in width to serve the development approved by application 08/00095/FUL is necessary to provide safe and convenient access to the residential development. An access width of less than 3.1 metres would not enable safe or convenient access for all, and in particular for wheelchair users, and would thereby fail to encourage use of alternative modes of transport to the private car. The proposal would thereby prove contrary to the provisions of policy CS13 of the Southampton Local Development Framework Core Strategy Development Plan Document and policies SDP1, SDP4 and SDP11 of the City of Southampton Local Plan (2006) and as supported by the Residential Design Guide Supplementary Planning Document (with specific reference to paragraphs 5.1.3 and 5.1.16 to 5.1.17).

### 02.REFUSAL REASON - Direct Impacts

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails

to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Council's adopted LDF Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- (a) Measures to satisfy the public open space requirements (including play space, open space and sports pitches) of the development have not been secured. As such the development is also contrary to the adopted City of Southampton Local Plan Review (March 2006) Policy CLT5 as supported by Policy CS21 of the adopted LDF Core Strategy (2010);
- (b) Notwithstanding the previous permission the development now triggers the need for an affordable housing contribution and without such a commitment the scheme fails to assist the City with its current housing needs issues and, as such, is contrary to Policy CS15 of the Council's adopted LDF Core Strategy (January 2010);
- (c) Measures to support sustainable modes of transport, the strategic highway network, and site specific highway requirements (such as necessary improvements to public transport facilities, the offering of sustainable travel vouchers and alterations to pavements in the vicinity of the site) have not been secured contrary to the adopted City of Southampton Local Plan Review (March 2006 Policy SDP1 as supported by policies CS18 and CS25 of the Council's adopted LDF Core Strategy (January 2010);
- (d) In the absence of a commitment to undertaking an off-site highway condition survey (as previously secured) the development fails to explain how its impacts will be managed both during and after the construction phase.
- (e) In the absence of a slope stability report (as previously secured) the application fails to provide sufficient detail regarding its structural design to enable the safe development of this site.
- (f) In the absence of a refuse management plan (as previously secured) the scheme fails to explain how refuse will be collected from the site on collection day.
- (g) In the absence of an amended access width restriction the development fails to secure a safe access that is fit for its intended purpose (see also the first reason for refusal).

This page is intentionally left blank



---

## Appeal Decision

Site visit made on 14 January 2014

**by C J Leigh BSc(Hons) MPhil MRTPI**

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

Decision date: 3 March 2014

---

**Appeal Ref: APP/D1780/A/13/2207164**

**Land to the rear of 28-64 Winchester Road and rear of 204-218 Warren Avenue, Southampton, SO16 6UL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Glen Sahota against the decision of Southampton City Council.
  - The application Ref 12/01923/OUT, dated 18 December 2012, was refused by notice dated 19 August 2013.
  - The development proposed is to construct a development of 14 flats.
- 

### Application for Costs

1. An application for costs was made by Southampton City Council against Mr Glen Sahota. This application is the subject of a separate decision.

### Preliminary matters

2. The application was made in outline with approval sought for access, appearance and layout.

### Decision

3. The appeal is dismissed.

### Main issues

4. The first main issue in this appeal is the effect of the proposed development on highway and pedestrian safety. The second main issue is whether contributions or other benefits are necessary to enable the proposed development to proceed consistent with the Council's strategy in respect of infrastructure and community facilities provision.

### Reasons

#### *Highway safety*

5. The appeal site comprises an area of underused land that lies to the rear of the Winchester Road and Warren Avenue properties. Vehicular access to this land, and to the appeal site, is via a track that is taken from Warren Avenue. This track currently provides access to existing properties and runs adjoining the gardens, garages and parking areas for many of the Winchester Road properties.
6. I am informed planning permission for the development of 14 flats on the appeal site was granted in 2008 (ref. 08/00095/FUL), which would have

utilised this existing track for vehicular access and was subject to a condition and legal agreement that the access would be no narrower than 3.1m. The current proposal similarly proposes to use the existing track for vehicular and pedestrian access. An existing narrow footway running to Winchester Road would also be used for pedestrian access. The vehicular access would narrow to 2.8m for a length of 7.7m, due to land ownership restrictions. This width would allow vehicles to drive along the access, but the Council object to this narrowing since it would be less than the minimum width they seek, namely 3.1m.

7. The appellant states that the useable area of the access route might be wider in practice, due to the area of land outside the appellant's ownership being an open forecourt area. However, I do not accept that proposition since the owner of the adjoining land could choose to erect a physical boundary. Thus, I have treated the proposed development as not being able to provide an access road greater than the 2.8m width at its narrowest length.
8. The appellant draws my attention to the guidance in 'Manual for Streets' that states carriageway widths might be reduced to a minimum of 2.75m, but narrowing between 2.75m to 3.25m should be avoided in most cases. I concur with the appellant's observation that, in seeking a width of 3.1m as was the case with the 2008 permission, the Council do accept a narrowing of the access within this range can occur. The important matter to consider is whether the further narrowing proposed by the appellant over such a length of the access road would be harmful to highway safety.
9. The submitted drawings show the vehicular access would be upgraded to accept vehicular and pedestrian traffic, and signage would be provided along the access. A pedestrian refuge area would be provided within part of the narrowed area. I saw that visibility along the access road is good, due to the generally straight layout of the road. This will allow for vehicles to wait and pass at wider points on the road. I am mindful that the access road currently provides vehicular access for many properties at present and has the existing narrowing, and I have not been informed of any incidents along the access road whereby this narrowing has been hazardous to highway safety. Although there would be some increase in the number of vehicles using the access road as a result of the proposed development, this fact does indicate to me that users of the track can safely negotiate the dimensions and geometry of the track.
10. Furthermore, as noted above, the proposals show an improvement to the surfacing of the track and signage. I consider such measures would only lead to an enhancement in the ability of drivers to safely negotiate the track without leading to highway safety.
11. The access would be a shared route for vehicles, cyclists, pedestrians, and those with mobility problems. The Council's concern with the width of the access extends to potential conflict between these users along the narrowed stretch of the access. This is an important matter to consider, given that the flats would not have residents' parking, although visitor parking would be provided; the appeal site is located in a sustainable location with a range of facilities and public transport routes nearby, so I concur that the level of car parking proposed is appropriate. I thus agree that a safe route is needed to ensure future residents would feel secure in using the access by foot or cycle.



12. For similar reasons to the above, I consider the geometry and visibility of the access, combined with the proposed signage, refuge area and surfacing (which the appellant states would include surface delineation for users), would ensure a shared surface access would be safe for all users. The access route would also be lit. These matters would lead to an upgraded shared access route that provides a good standard for all existing users and for future occupants of the dwellings, and would ensure those occupants have a reasonable opportunity to walk and cycle from their homes.
13. On the main issue it is therefore concluded that the proposed development would not be harmful to highway safety and so be consistent with Policy CS13 of the Southampton Core Strategy 2010, Policies SDP1, SDP4 and SDP11 of the City of Southampton Local Plan Review 2006, and guidance contained in the Council's Residential Design Supplementary Planning Document 2006, which amongst other matters seek to ensure safe access for all and parking arrangements are provided in new developments.

#### *Infrastructure provision*

14. The Council's second reason for refusal related to the absence of a planning obligation to make provision for contributions towards the provision/enhancement of infrastructure, site-specific highways measures and affordable housing contribution. These objectives are supported by Policies CS15 and CS25 of the Core Strategy, with detail contained in the Council's adopted Developer Contributions Supplementary Planning Document (SPD) (April 2013).
15. The requirement for a contribution towards site-specific transport measures was not disputed by the appellant. A viability appraisal was submitted with the planning application that concluded the proposed development would not be viable with the required affordable housing contribution. The Council commissioned an independent review of this assessment at the appeal stage which concluded, in summary, that the proposed development would not be viable with a full contribution towards affordable housing but that a reduced contribution was appropriate. The appellant agreed with this conclusion and submitted a Unilateral Undertaking that included the required affordable housing contribution, in addition to the site-specific transport contribution.
16. The Council also sought in any planning obligation measures to secure an off-site highway condition survey, a slope stability report and a refuse management plan. The sole access road to the appeal site is relatively long and serves existing properties, and so it is reasonable for measures relating to a highway condition survey of roads in the vicinity and refuse management to be provided in these circumstances. The appeal site is also steeply sloping and so measures to address this are necessary. The submitted Undertaking includes wording to address these details. Finally, the Council's second reason for refusal also referred to any planning obligation setting out a requirement to provide an amended access. The appellant's Undertaking does not include this and, as I have concluded on the first issue that the proposed access would be acceptable, I concur there is no need for such wording.
17. The planning policy framework set out above provides a strong basis for demonstrating the need for new facilities and contributions arising from the proposed dwellings. The requirement for site-specific transport measures and an affordable housing contribution fairly related to the proposal has been

robustly addressed. The Council's request for contributions through a planning obligation as sought therefore satisfies the tests of paragraph 204 of the National Planning Policy Framework.

18. The proposed development is also liable for the Council's local charging schedule for the Community Infrastructure Levy (CIL), as set out in their adopted Community Infrastructure Levy Charging Schedule Development Plan Document (July 2013). The Council do not seek contributions within a planning obligation that are addressed through the CIL, and the submitted Undertaking accordingly does not include such matters.
19. The Council's request for a planning obligation is therefore necessary, directly related to the development and fairly and reasonably related in scale and kind. The request therefore passes the statutory tests.
20. The Council, though, raise concerns on a number of details in the Unilateral Undertaking submitted by the appellant and consider these would lead to difficulties of its enforceability. The Council's comments include matters regarding the ownership of the land and the signatories, enforcing the provisions for the waste management plan and any actions necessary in relation to the stability of slopes, and the date upon which the obligation would take effect. I share the Council's concerns that the drafting of the Undertaking in a number of respects are of sufficient substance to make it uncertain that the payments and measures contained in the obligation would be made or would be enforceable.
21. Therefore, as it stands, the proposed development would undermine the Council's strategy in respect of infrastructure and affordable housing provision, and the delivery of measures to mitigate any impact of the proposal. This would be contrary to the Policies and the SPD referred to earlier.

#### *Other considerations*

22. The area upon which it is proposed to erect the new flats is an underused parcel of land, which slopes steeply to the north and Shirley Pond Park. The proposed development shows a layout and appearance which would be appropriate in scale and design for the site and landform. A reasonable degree of spaciousness would be retained around the new buildings and they would assimilate well into the area. This includes in views from Shirley Pond Park and the wider area.
23. The distance retained between the proposed dwellings and existing properties would ensure no loss of privacy or overbearing impact upon adjoining residents. The increase in the use of the vehicular access would not lead to a material change in the level of disturbance for existing residents.

#### *Conclusions*

24. Although I have found in favour of the proposed development on a number of issues, the conflict that arises from the second main issue is sufficient to outweigh all other findings. Therefore, for the reasons given and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

**C J Leigh**

INSPECTOR

# Agenda Item 7

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

<b>Application address:</b> Bitterne Park Primary School, Manor Farm Road SO18 1NX			
<b>Proposed development:</b> Proposed single storey building to link existing infant school and junior school buildings.			
<b>Application number</b>	14/01214/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Nathan Pearce	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	18/09/2014	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr White Cllr Baillie Cllr Inglis

<b>Applicant:</b> Ms Gerida Montague	<b>Agent:</b> Capita Property and Infrastructure
--------------------------------------	--

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

<b>Community Infrastructure Levy Liable</b>	<b>No</b>
---	-----------

## 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 of the City of Southampton Local Plan Review (March 2006) and CS11, CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Site History

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

- 1.1 Bitterne Park Junior School is bounded by River View Road, Manor Farm Road, Bitterne Park Infant School and Riverside Park. Manor Farm Road is a mainly residential road which connects Bitterne Park to Woodmill. It is busily trafficked with on road parking along its whole length. There are parking and waiting restrictions in the immediate vicinity of the school. There are two small public car parks for pick up and drop off within walking distance of the school.

The school is currently split into two separate buildings with separate access pedestrian access points.

#### 2.0 Proposal

- 2.1 The proposal is to create a link building between the two existing school buildings. This will allow for a reorganisation of the school rooms that will allow the creation of a new classroom. This will result in no vehicles being able to access the rear of the school buildings.
- 2.2 The single storey link building will contain the head's office, a new classroom, lobby and an office.

#### 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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 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.

#### 4.0 Relevant Planning History

- 4.1 Pre-application advice was sought from Planning Officers over the suitability of the proposal in planning terms.

## **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 (enter date) and erecting a site notice (enter date). At the time of writing the report 1 representation has been received from surrounding residents. The following is a summary of the points raised:

- Not inkeeping with the design of the existing school buildings.

Response - The brickwork and design will match that of the junior school (on the south side) and provides a simply designed link which in terms of building materials and overall design is sympathetic to the existing buildings but which creates a clearly defined entrance.

- Decrease in parking facilities leading to increased pressure on surrounding roads.

Response – Access to the rear playground for cars will be removed and this could be seen as a better step in terms of safety. Only a few spaces will be lost on site and there are public car parks nearby on Manor Farm Road that can be used.

- Safety concerns from parents parking inappropriately.

Response - Highways have raised no concerns regarding highway safety following this development. The removal of cars being able to access the playground area is likely to improve safety.

- Blocks access for vehicles to the rear playground, leading to traffic problems.

Response - There will be a loss of spaces at the front of the building and vehicle access to the rear playground will be lost. Although this may increase the safety of children within the school.

### **Consultation Responses**

5.2 **SCC Highways** - As the proposed development will not generate additional students nor staff, the impact on the public highway will be minimal. For this reason, I cannot foresee any major highways concerns and therefore raise no objections.

5.3 **SCC Environmental Health** - No objection.

5.4 **Cllr Peter Baillie** - Concerned by traffic and parking issues.

## **6.0 Planning Consideration Key Issues**

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

### **6.2 Principle of Development**

In principle, the expansion of the school is acceptable. The development will allow the school to provide new facilities that are required. The improvement to the school facilities should be balanced against any harm that may be caused to the amenity of the local area.

6.3 Residential amenity of neighbouring properties

There will be an impact upon the residential amenity, mainly caused by the loss of some parking spaces at the front of the school. There is a good separation distance from the houses on the opposite side of Manor Farm Road. There will be no impact from overlooking.

6.4 Design and character

The single storey building will look like an extension to the junior school, the brickwork will match the existing. There will be minimal impact upon the character of the school or the streetscene.

6.5 Highways and parking

The development will lead to the loss of some parking spaces at the front of the school. The Council's Highways Development Management team have advised that the impact on the public highway will be minimal.

**7.0 Summary**

7.1 The new building will lead to a more efficient use of the internal space. It will reduce the parking that is available on the site, pushing it elsewhere, although there are adequate public car parks that are a short walk from the school.

**8.0 Conclusion**

8.1 With regard to the above, it is judged that no detriment would be caused to neighbours or the local area which would justify the refusal of the application. The scheme is acceptable in terms of residential amenity of neighbours, the effect of the character of the area and streetscene and the impact on the local area in general.

**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) (vv), 6. (a)(c), 7. (a)

**NP for 30/09/14 PROW Panel**

## **PLANNING CONDITIONS**

### **1. 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).

### **2. APPROVAL CONDITION - Materials to match [Performance Condition]**

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.

### **3. - 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)

CS11          An Educated City  
CS13          Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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)



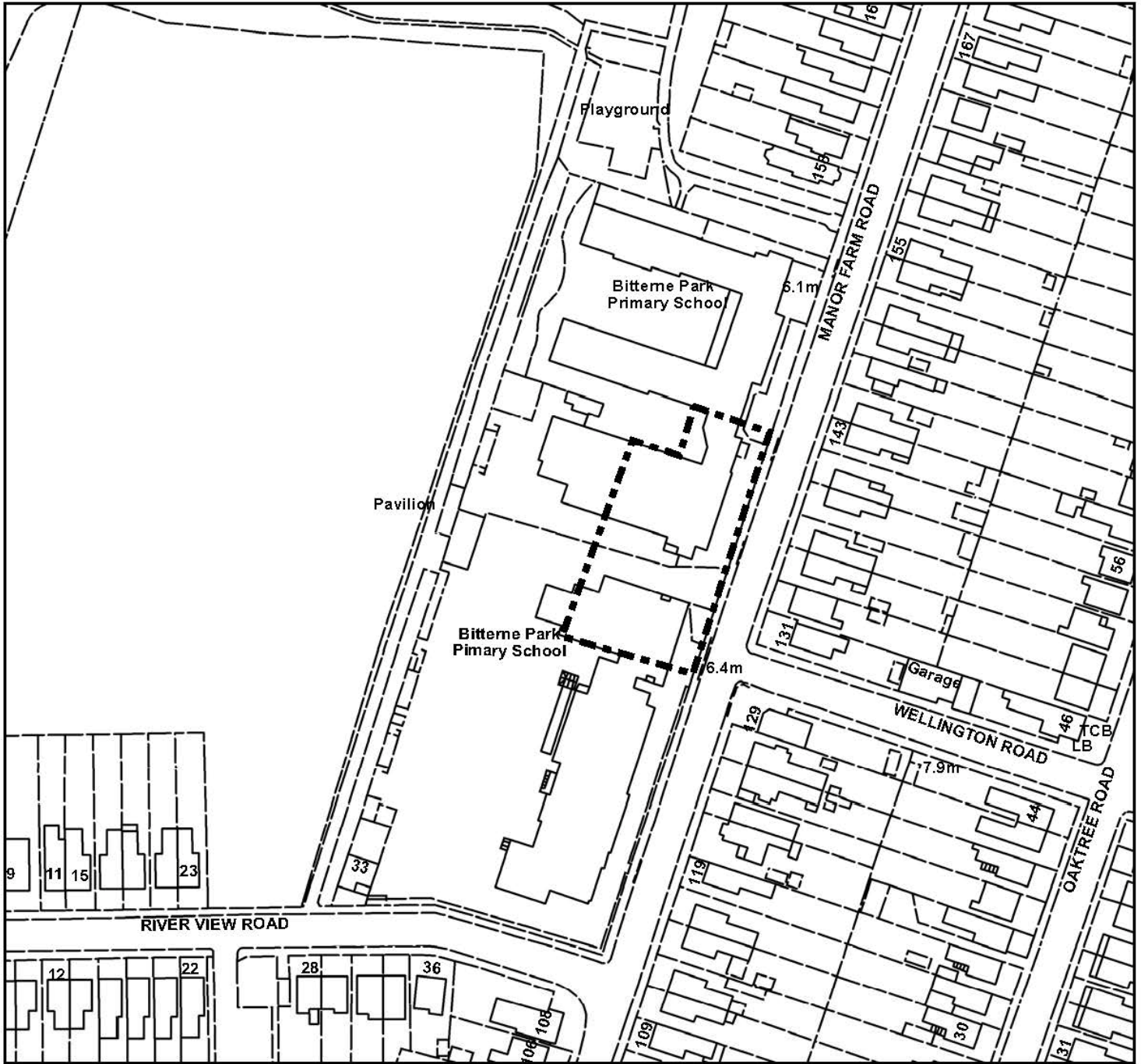
**Relevant Planning History**

1375/23 - Assembly hall, dining room and kitchen - CAP (1969)

08/00449/ADV - 2 reflective signs to be attached to existing street furniture on highway verge (Manor Farm Road) - CAP

10/01769/FUL - 3x single storey canopy, two storey timber playhouse, retractable canopies, ancillary hard and soft play equipment and associated boundary treatment, surface and landscaping works to playground - CAP

# 14/01214/FUL



Scale: 1:1,250



# Agenda Item 8

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

<b>Application address:</b> 84 Commercial Street SO18 6NJ			
<b>Proposed development:</b> Alterations to existing rear extension to increase height of external walls and formation of flat roof [Retrospective, Resubmission of Application 14/00256/FUL]			
<b>Application number</b>	14/01132/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>	18.09.2014	<b>Ward</b>	Harefield
<b>Reason for Panel Referral:</b>	Five or more letters of objection contrary to officer recommendation have been received	<b>Ward Councillors</b>	Cllr Fitzhenry Cllr Daunt Cllr Smith

<b>Applicant:</b> Mr Robin Murray-Jones	<b>Agent:</b> N & J Designs Ltd
---	---------------------------------

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
---	-----------------------

## 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 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		
2	Site history		

## **Recommendation in Full**

### **Conditionally approve**

#### **1.0 The site and its context**

- 1.1 The application site comprises a semi-detached residential property in a predominantly residential area with a mix of a houses and flats and no overriding architectural style.
- 1.2 The property itself has been extended previously a number of times. The proposed extension is an amendment to a previously approved extension.

#### **2.0 Proposal**

- 2.1 The application is partially retrospective. The original single storey rear extension was approved under 920858/E on 11.11.1992 and had a hipped roof, with an eaves height of 2.4m on the boundary.
- 2.2 This design was then amended recently without the benefit of planning consent to incorporate a flat roof design with raised parapet edge. Following a refusal for the retention of the amended design, the applicant has submitted an amended scheme to retain the flat roof of the extension with a slight lowering of the height of the extension (from 3.5m to 3.25m).
- 2.3 The extension projects 5.3m from the two-storey element of the dwelling, in immediate proximity to the northern boundary of the site.

#### **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.

## **4.0 Relevant Planning History**

- 4.1 Building works were undertaken to modify the roof of the extension, raising the height of the roof and changing the design to a flat roof, with a significant parapet around the edge. Following an investigation from the Southampton City Council enforcement team, the applicant submitted an application to retain the amended extension (14/00256/FUL). This application was refused under delegated powers on 09.04.2014 on the basis of the impact on neighbouring occupiers:

### *REASON FOR REFUSAL - Impact on Neighbouring Amenity*

*The proposal, by means of its excessive depth and height in immediate proximity with the common boundary, relates poorly to the neighbouring properties and would adversely affect the residential amenities currently enjoyed by neighbouring occupiers, in terms of an increased sense of enclosure. Furthermore, the design and roof form of the extension is visually prominent and out of character with the existing building. Therefore, the scheme is contrary to Policies SDP1(i), SDP7(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2006), Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the provisions of the Council's approved Residential Design Guide (September 2006) in particular paragraphs 2.2.1, 2.2.18, 2.5.1 and 2.5.2.*

## **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. At the time of writing the report **6** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2
- The building works have already been completed
  - The retrospective and refused nature of applications on the site does not follow proper planning practice

Response: Where unauthorised works have been done without planning permission, there are two routes open to the owner of the site to regularise the works. Either they can apply for retrospective planning permission or they can alter/remove the completed works such that they no longer require consent. Following the refusal of the previous application, the applicant has chosen to submit an application which they feel addresses the previous reasons for refusal.

- The extension was previously used as a garage and the application appears to propose the use of the space as a living area
- The roads around the site make on-road difficult and the loss of the previous garage use should be resisted

Response: When the extension was originally given permission under

application 920858/E, no conditions were imposed restricting the use of the extension for use as a garage only. Planning permission is not required to convert an integral garage in a dwelling to living accommodation unless otherwise specially restricted.

- The plans show works approved under 04/01250/FUL labelled as 'under construction' - works only appear to have recently commenced on this consent (outside of the five year time limit for commencement)

Response: The digging of footings would be sufficient to fulfil the commencement requirement of a planning consent. Our enforcement team have been notified and will look into this issue.

- The flat roof allows overlooking of neighbouring properties
- The structure is overbearing and unnecessarily high
- The extension is out of character with the scale and design of the original dwelling
- The original building has already been significantly extended
- The grounds for refusal of the previous application have not been sufficiently addressed
- Bare breeze blocks have been used in the construction of the north facing wall of the structure

### 5.3 Consultation Responses

5.4 Ward Cllrs - No comment.

## 6.0 Planning Consideration Key Issues

6.1 A single storey extension was originally approved as part of 920858/E. This extension was then partially demolished to enable the current alterations to be made. An initial application to retain the alterations which included raising the roof and forming a flat roof was then refused under 14/00256/FUL. The applicant has chosen to make further modifications in an attempt to overcome the reasons for refusal. This application includes the removal/lowering of the height of the parapet surrounding the roof in an attempt to reduce the visual impact of the structure.

6.2 There is a significant amount of concern from local residents regarding the potential use of the flat roof as a terrace/balcony which would result in significantly harmful overlooking of the neighbouring properties. The applicant has stated there is no intention of using the roof as an amenity space. There is no convenient access to the roof from within the house and conditions can be imposed to prevent access being created. On this basis it is considered reasonable to impose a number of conditions to prevent the use of this area as a raised terrace and the potentially harmful overlooking that would result.

6.3 It is noted that the materials used in the current structure are broadly acceptable, however the northern side of the extension, facing onto 1

Shales Road, has used bare breeze block as an external finish. In accordance with the application form and a letter from the agent dated 10th July 2014, this application proposes that this elevation will be finished in brick work to match the rest of the extension. Given the retrospective nature of the application, it is considered that it is reasonable to impose a condition requiring that these works be completed in a timely fashion.

- 6.4 On this basis the main consideration is if the proposed reduction in height has sufficiently alleviated the previous reason for refusal. The main impact of the proposed extension falls on the property on the immediately adjacent northern boundary, 1 Shales Road. The property has an existing side extension, which partially mitigates the impact of the extension.
- 6.5 It is considered that the change in use of materials will reduce the visual impact of the extension from the property at 1 Shales Road. It is accepted that the extension will still be visually prominent, however it is considered that the lowering of the proposed height of the extension, taking into account the relative layout of surrounding properties, would be sufficient to mitigate the extent of the harm caused such that the application can be recommended for conditional approval.

## **7.0 Summary**

- 7.1 On balance it is considered that the amendments proposed are sufficient such that the remaining issues can be addressed through the use of conditions.

## **8.0 Conclusion**

- 8.1 The application is recommended for conditional approval.

### **Local Government (Access to Information) Act 1985**

### **Documents used in the preparation of this report Background Papers**

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

**JF1 for 30/09/14 PROW Panel**

## **PLANNING CONDITIONS**

### **01. APPROVAL CONDITION - Timing - Physical works (3 months)**

The alterations to the extension hereby approved shall be completed within 3 months of the decision date.

Reason: To protect the visual amenities of the locality and to endeavour to achieve a building of high visual quality which respects the character and existing buildings within the area.

### **02. APPROVAL CONDITION - Materials to match [Performance Condition]**

In accordance with the details provided within section 11 of the application form, the external walls (with particular reference to the north facing wall onto 1 Shales Road) of the extension hereby approved shall finished in brick to match the existing dwelling within 3 months of the date this decision is issued, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect 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.

### **03. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]**

The roof area of the extension hereby approved which incorporates a flat roof surface shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason: In order to protect the privacy of adjoining occupiers.

### **04. APPROVAL CONDITION - Windows**

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), the rear facing first floor window (serving the room labelled as 'Master Bed' on Drawing No: 2014.05.02/02) shall be retained as shown on the submitted plan. No additional windows or doors shall be installed such as to allow greater or improved access to the roof of the extension hereby approved without prior written consent of the Local Planning Authority.

Reason: To protect the privacy of the adjoining residential properties.

### **05. 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)

CS13          Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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

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**

14/00256/FUL, Alterations to existing rear extension to increase height of external walls, formation of flat roof and installation of full width door to rear elevation  
Refused, 09.04.2014

*REASON FOR REFUSAL - Impact on Neighbouring Amenity*

*The proposal, by means of its excessive depth and height in immediate proximity with the common boundary, relates poorly to the neighbouring properties and would adversely affect the residential amenities currently enjoyed by neighbouring occupiers, in terms of an increased sense of enclosure. Furthermore, the design and roof form of the extension is visually prominent and out of character with the existing building. Therefore, the scheme is contrary to Policies SDP1(i), SDP7(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2006), Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the provisions of the Council's approved Residential Design Guide (September 2006) in particular paragraphs 2.2.1, 2.2.18, 2.5.1 and 2.5.2.*

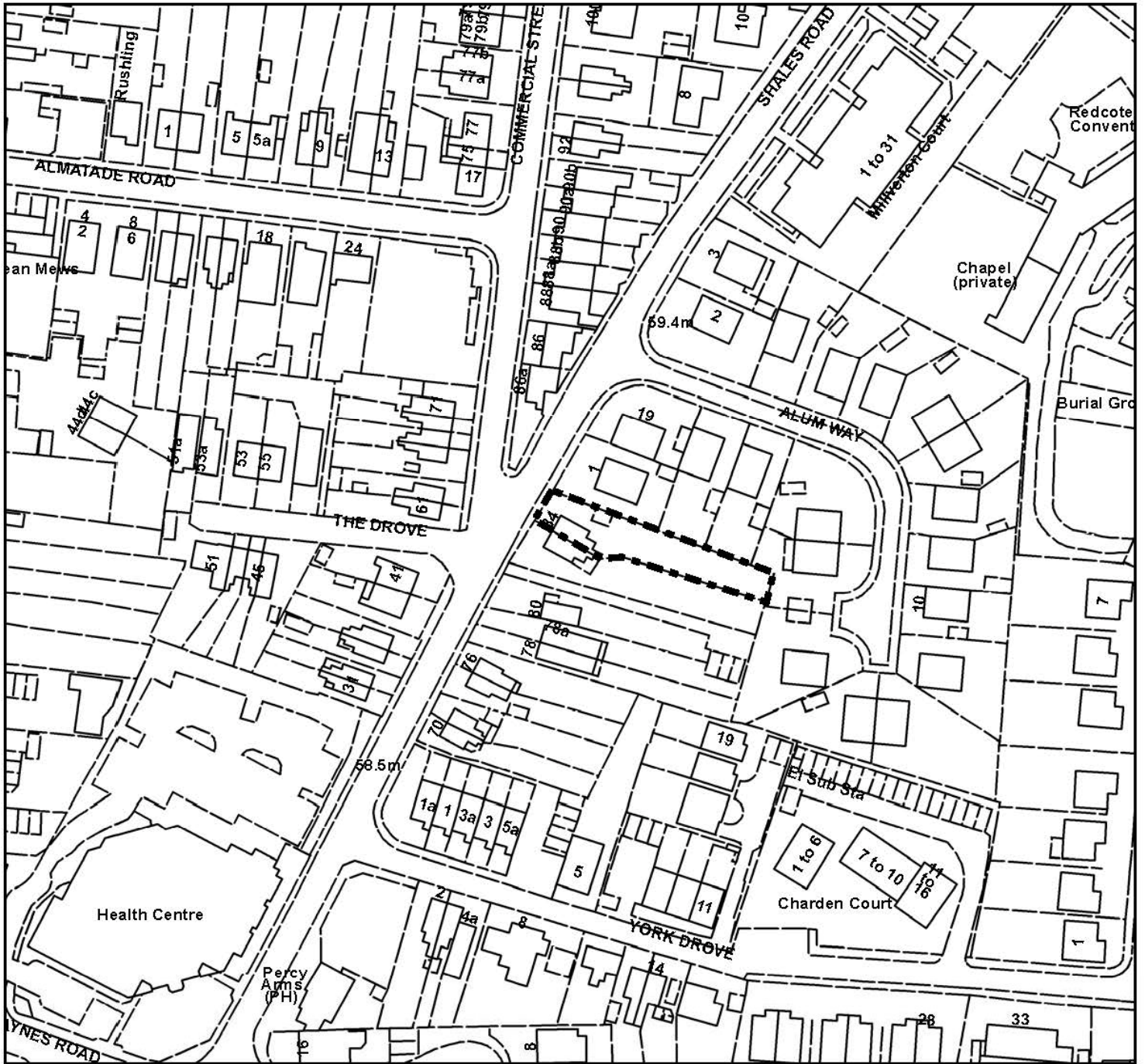
04/01250/FUL, Erection of a two storey side extension and a two storey bay window feature to the front elevation.  
Conditionally Approved, 28.09.2004

04/00505/FUL, Erection of a two storey side extension, change of the form of the roof including raising the ridge height by 1.3m, insertion of 3 dormer windows to the rear roof slope and 2 dormers to the front roof slope and formation of two storey bay feature to front elevation.  
Refused, 24.05.2004  
Appeal Dismissed, 10.05.2005

920858/E, Erection of a single/2 storey rear/side extension  
Conditionally Approved, 11.11.1992

1040/24, Alterations and additions  
Conditionally Approved, 11.05.1954

# 14/01132/FUL



Scale: 1:1,250



This page is intentionally left blank