

# Planning and Rights of Way Panel (EAST)

Tuesday, 5th May, 2015  
at 6.00 pm

**PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

## **Members**

Councillor Lewzey (Chair)  
Councillor Denness (Vice-Chair)  
Councillor Fitzhenry  
Councillor Hecks  
Councillor Tucker

## **Contacts**

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## PUBLIC INFORMATION

### **Role of the Planning and Rights of Way Panel**

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

### **Public Representations**

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

### **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:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, 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
Wednesday 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.

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

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

(Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meeting held on 7 April 2015 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 46 PEARTREE AVENUE, 15/00141/FUL** (Pages 11 - 24)

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

### **6 56/58 COBDEN AVENUE, 14/01908/FUL** (Pages 25 - 50)

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

### **7 20 ANSON DRIVE, 15/00041/OUT** (Pages 51 - 62)

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

**8 BEDFORD HOUSE, AMOY STREET, 15/00465/DIS (Pages 63 - 66)**

Report of the Planning and Development Manager recommending approval of the Schedule of Materials listed in the report and that delegated authority be granted to issue a decision regarding the other planning conditions covered by Application 15/00465/DIS, attached.

Friday, 24 April 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 7 APRIL 2015

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Present: Councillors Lewzey (Chair), Denness (Vice-Chair), Fitzhenry, Hecks and Tucker

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

**RESOLVED** that the minutes of the meeting held on 10<sup>th</sup> March 2015 be approved and signed as a correct record.

57. **FORMER B AND Q STORE, MAYFIELD ROAD, 14/02108/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.

Redevelopment of the site. Demolition of the existing retail building and erection of three, four, five and six storey buildings to provide purpose built student accommodation (comprising 525 bedrooms in 80 flats and 103 studio rooms), with associated communal facilities, landscaping, cycle storage, parking and independent cafe, with vehicle access retained from Mayfield Road.

Charles Fish (Applicant), Kristine Salowon-Olsen (Hampshire Chamber of Commerce/supporting), Tim Barrett-Smith (Local Resident/objecting), Councillor Mintoff and Councillor Painton (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an additional condition.

**RESOLVED**

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement, the conditions listed in the report and the additional condition as set out below;
- (ii) that in the event that the legal agreement is not completed within two months of the date of the decision, the Planning and Development Manager be authorised to refuse permission on the grounds of failure to secure the provisions of Section 106 Legal Agreement; and
- (iii) that the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 Agreement and/or conditions as necessary.

### Additional Condition

#### 42. APPROVAL CONDITION - Details of a Management Plan (Pre-Occupation Condition)

Notwithstanding the information provided as part of the application, a management plan setting out measures for the day to day operation of the building shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The management plan shall include details of staffing levels, car parking arrangements and measures for mitigating noise and disturbance which might affect the amenities of neighbours. The development shall operate in accordance with the approved management plan for the lifetime of the use of the site for student residential accommodation unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To satisfy the Council that the operation of the site would not be to the detriment of the residential amenities of neighbouring occupiers.

RECORDED VOTE to grant planning permission.

FOR: Councillors Lewzey, Hecks, Fitzhenry and Tucker

AGAINST: Councillor Denness

#### 58. **71 ARCHERY GROVE, 15/00070/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.

Erection of a two-storey side extension to create two x two-bed flats with associated parking and cycle/refuse storage and retain existing dwelling.

Gordon Rogers (Agent), Howard Bown (local resident/objecting), Councillor Payne and Councillor Hammond (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amended condition and additional conditions listed below.

### Amended Condition

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

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

Class A (enlargement of a dwelling house), including a garage or extensions,  
Class B (roof alteration),



Class C (other alteration to the roof),  
Class E (curtilage structures), including a garage, shed, greenhouse, etc.,  
Class F (hard surface area).

Reason:

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

#### Additional Conditions

##### APPROVAL CONDITION – Sites Sections [Pre-Commencement Condition]

Prior to the commencement of development additional plans detailing the finished levels and sections of the proposed development shall be submitted to and be approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved plans unless otherwise agreed in writing.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity.

##### APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Commencement Condition)

Prior to the commencement of development (except site set up and demolition) 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.

**RESOLVED** to refuse planning permission for the reasons set out below.

#### Reasons for Refusal

1. REFUSAL REASON - Residential environment

The proposed extension to provide two additional residential units by reason of its physical appearance in terms of its bulk, mass and footprint results in an overdevelopment of the site that is harmful to the general character of the area due to its prominence in the streetscene. As such the proposal creates an unacceptable residential environment contrary to Policies CS13 and CS16 of the Southampton Core Strategy (2010), SDP1 (Saved Policy) of the Southampton Local Plan Review (2006) and Section 2 and Section 4.4 of the Council's 'Residential Design Guide' Supplementary Planning Document (2006).

## 2. REFUSAL REASON -Standard Solent Disturbance Mitigation Project

Failure to provide financial contribution to secure planning obligations. In the absence of a financial contribution or alternative provision to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy (2012) as supported by the Habitats Regulations.

### 59. **FORMER OASIS MAYFIELD ANNEXE, PORCHESTER ROAD, 14/00101/R30L**

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

Redevelopment of the site, demolition of the existing buildings and erection of two, two and half and three-storey buildings to provide 40 dwellings (17 x one-bedroom, 10 x two-bedroom, 10 x three-bedroom and 3 x four-bedroom) with associated parking and vehicular access from Porchester Road (Outline application seeking approval for access, layout and scale).

Ali Mew (Agent), Sandra Marsland (Local Resident/objecting), Councillor Payne and Councillor Hammond (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

#### **RESOLVED:**

- (i) that authority be delegated to the Planning and Development Manager to grant outline planning permission subject to the receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land would be conditional upon the purchaser and any other landowner entering into a S106 Legal Agreement with the Council prior to or simultaneously with the land transfer taking place and the conditions listed in the report;
- (ii) that in the event that the legal agreement is not completed within three months of the date of the decision, the Planning and Development Manager be authorised to refuse permission on the grounds of failure to secure the provisions of Section 106 Legal Agreement; and

- (iii) that the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section106 Agreement and/or conditions as necessary.

60. **96 GAINSFORD ROAD, 14/02086/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.

Replacement dwelling with associated parking.

John Taylor (Applicant), Elma Hillhouse and Neil Burrow (Local Residents/objecting) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report.

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# Agenda Annex

## PLANNING AND RIGHTS OF WAY PANEL (EAST)

### INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 5<sup>th</sup> May 2015 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	SB	DEL	5	15/00141/FUL 46 Peartree Avenue
6	SB	CAP	5	14/01908/FUL 56/58 Cobden Avenue
7	JF	CAP	5	15/00041/OUT 20 Anson Drive
8	MP	NOBJ	5	15/00465/DIS Bedford House, Amoy Street

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection.

SB – Stuart Brooks

JF – John Fanning

MP – Mat Pidgeon

**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) Environmental Impact Assessment 2/99
  - (c) Planning Controls over Demolition 10/95
  - (d) Planning and Affordable Housing 6/98
  - (e) Prevention of Dereliction through the Planning System 2/98
  - (f) Air Quality and Land Use Planning 10/97
  - (g) 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 and Sustainability Division  
Planning and Rights of Way Panel (East) 5 May 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 46 Peartree Avenue			
<b>Proposed development:</b> Internal and external alterations to facilitate conversion of the existing building from a Family Centre (Class D1) to nine flats comprising three x one-bed, five x two-bed and one x three-bed (Class C3) with associated parking and bin storage.			
<b>Application number</b>	15/00141/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	03.04.2015	<b>Ward</b>	Peartree
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Lewzey Cllr Dr Paffey Cllr Keogh

<b>Applicant:</b> Mrs N Batley	<b>Agent:</b> Concept Design and Planning - Mr Rob Wiles
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The reuse of the existing building can sufficiently accommodate the level of accommodation proposed without causing harm to the amenity of local residents and highway safety. An existing building will be retained which strongly contributes to the character of the local area. It is proposed to provide a mix of housing to contribute towards the City's housing need as well as creating a mixed and balanced community. 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 planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport 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. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iii. Financial contributions towards Solent Disturbance Mitigation in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
2. In the event that the legal agreement is not completed within two months of the Panel date 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. The Site and its Context**

- 1.1 The application site is located within the ward of Peartree. The local area is predominantly residential in character. The properties along this part of Peartree Avenue mainly have long plots. Either side of the site a number of plots have been combined to form substantial sized back land development sites, including Bramden Mews and the adjacent housing cul-de-sac.
- 1.2 The existing property was formerly used as a Social Services Family Centre (non-residential class D1 use). The building is large in size compared to other properties in the street. The property sits in a large plot that extends to the side behind the adjoining properties to create a large amenity space.

### **2. Proposal**

- 2.1 It is proposed to re-use the existing vacant building with minimal external alterations to provide nine flats comprising three x one-bed, five x two-bed and one x three-bed (Class C3) with associated parking and bin storage. There are nine parking spaces proposed including 1 disabled space to the front.

### **3. 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 Partial Review (March 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the City and its citizens. Policy H2 encourages the maximum use of vacant land for residential use, whilst Policy H5 accepts the principle of converting non-residential premises into housing.
- 3.3 Policy CS5 of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply. The opportunity to modernise an existing building whilst providing a mix of housing accommodation should be given due consideration when balancing all the other material considerations.
- 3.5 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council’s approach to car and cycle parking standards for new developments in the City, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).
- 3.6 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. Relevant Planning History**

- 4.1 The building has had various extensions up to the 1980s. It was granted permission for a family centre use in 1992 (ref no. 921212/EH).

### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (17.02.2015). At the time of writing the report 24 representations (15 objections and seven support) have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Comments in support:

- in keeping with the residential area
- an improvement on commercial use
- sufficient parking facilities provided
- reusing existing building to prevent it going derelict, retain the original features of attractive building, and better for the environment than redeveloping
- reasonable sized and affordable accommodation for modern flats

5.1.2 Comment

Out of character as the property can be occupied by 25 persons as a 1 bed unit can be occupied by more than a single person. The street is mainly owner occupied properties.

Response

The overall density of the site (9 units) will be 48 dwellings per hectare. This density of housing is not out of character with the context of the surrounding area. It is normal that 1 bed flats can be occupied by more than 1 person. The level of occupancy is not considered to have an adverse impact on the amenity and character of the local area which is considered to be typical for a development of this scale and nature. The Council's housing policies encourage a mix of households as part of a sustainable and balanced community.

5.1.3 Comment

Noise disturbance to neighbouring occupiers from the level of residents using the rear amenity space.

Response

The amenity space is large so its overall use by the occupants will be dispersed. Furthermore, the units will be occupied as separate self-contained units, where it is likely that the occupiers of the separate flats would lead their own separate lifestyles and not gather as large groups to socialise.

5.1.4 Comment

As the accommodation model is for short term lets, there will be insufficient off street parking causing pressure on surrounding street parking. There will be an increase of traffic using the access.

Response

The Highway Officer has raised no concern regarding the impact on highway safety.

5.1.5 Comment

Loss of privacy to residents on Merridale Road and Peartree Avenue.

Response

The back to back separation distances between the properties along Merridale Road would be 60 metres, which is sufficient to prevent any adverse loss of privacy from overlooking of the rear flats. The interlocking between the properties on Peartree Avenue is an existing situation and therefore will not cause any further harm to the privacy of the neighbouring occupiers.

5.1.6 Comment

Over-intensification of use. Adverse impact on amenity of neighbouring occupiers from comings and goings of visitors and vehicular traffic due to the number of flats proposed for the size of property.

#### Response

There may be the opportunity for double occupation of the 1 bedroom units, however, these units would be occupied as a single co-habiting unit. As such, the +lifestyle habits would vary between each unit where the comings and goings of the occupiers would differ during the day. It is considered that the activity associated with 9 units will be typical of a property of this size and, therefore, would not be an over-intensification of use.

#### 5.1.7 Comment

The building should be replaced with a more modern design and energy efficiency.

#### Response

The existing building is an attractive building which makes a strong contribution to the character of Peartree Avenue. The environmental impact of replacing the building would be much greater than retaining it, especially as the developer is required to provide energy efficiency improvement measures.

### **Consultation Responses**

5.2 **SCC Highways** - No objection

5.3 **SCC Trees** – No objection

5.4 **SCC Sustainability Team** – No objection

5.5 **SCC Environmental Health (Pollution and Safety)** - No objection

5.6 **Southern Water** – No objection

### **6.0 Planning Consideration Key Issues**

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

- Principle of development
- Impact on character and amenity
- Living conditions for future occupiers
- Impact on highway safety
- Solent disturbance mitigation

#### 6.2 Principle of Development

6.2.1 The surrounding area is predominantly residential in character. There is no policy presumption against the reuse of the existing building for residential use and, therefore, the principle of development is accepted subject to an assessment of the relevant material considerations as set out below. Policy CS16 encourages developments to come forward with a mix of housing to help contribute towards a mixed and balanced community, however, there is no policy requirement to provide family housing on sites less than 10 dwellings.

### 6.3 Impact on Character and Amenity

- 6.3.1 There will be minimal changes to the external appearance of the existing building. The character of the local area will be preserved by re-using the existing building. The restoration of an existing building that would otherwise become derelict if left empty would be a significant benefit to the character and appearance of Peartree Avenue.
- 6.3.2 Either side of the site a number of plots have been combined to form substantial sized back land development sites, including Bramden Mews and the adjacent housing cul-de-sac. The existing property is large in size compared to other properties in the street, with a large plot that extends either side at the rear behind the adjacent properties forming a large and leafy amenity space.
- 6.3.3 The layout and size of the existing property lends itself to conversion to flats. Converting this empty property will contribute towards meeting the City's housing need by providing a mix of housing accommodation whilst retaining an attractive building forming a strong part of the local character. The overall density of the development will be 48 dwellings per hectare, demonstrating that the building envelope can comfortably accommodate a development of this scale without being out of character with the local area.
- 6.3.4 The long back to back distances of 60 metres between the properties on Merridale Road will ensure there will be no harmful loss of privacy to the adjacent properties. As there will be no new side openings, interlocking between neighbouring properties on Peartree Avenue will remain unchanged. The overall use of the amenity space will be dispersed across its large area and, therefore, unlikely to cause undue disturbance to the properties in Merridale Road.
- 6.3.5 A certain level of noise from the comings and goings is normally associated with a development of this scale, however, this has to be expected for a large development plot with the potential for residential use. The number of units will sit comfortably within this large building and its grounds. As such, this would not be an over-intensification of use.

### 6.4 Living Conditions for Future Occupiers

- 6.4.1 The applicant has opted to retain the existing layout of parking and amenity space. Although the rear amenity space is separated from the flats by the parking area, this space will be easily accessible, private, and good for sitting out and recreation.
- 6.4.2 The layout of the new units utilises the layout of the existing building. Unit 8 on the first floor wholly relies on side aspect for its habitable rooms, however, this is considered acceptable on balance given that the side driveway provides a decent relief to the main outlook. As such, the quality of the housing accommodation being provided is considered to be acceptable.
- 6.4.3 It is considered necessary and reasonable to require the removal of the redundant external staircase prior to the occupation of the units in order to improve the outlook of unit 3 on the ground floor.

## 6.5 Impact on Highway Safety

- 6.5.1 The Highway Officer has raised no concern with regards to parking and traffic arising from the development. The Officer recommends that the existing demarcation for pedestrians should be retained along the side access leading to the rear parking, as well retaining sufficient on-site turning area for the rear parking. They have also requested further details of the cycle and refuse storage to be agreed by condition. As such, the proposal is not considered to adversely affect highway safety.

## 6.6 Solent Disturbance Mitigation

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

## 7. Summary

- 7.1 In summary, the reuse of the existing building can sufficiently accommodate the level of accommodation proposed without causing harm to the amenity of local residents and highway safety. An existing building will be retained which strongly contributes to the character of the local area. It is proposed to provide a mix of housing to contribute towards the City's housing need as well as creating a mixed and balanced community.

## 8. Conclusion

- 8.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with the Council's current policies and guidance and, therefore, is recommended for conditional approval.

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a), 9 (a) and (b)

## **SB for 05/05/15 PROW Panel**

### **PLANNING CONDITIONS**

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

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

Reason:

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

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

The materials and finishes to be used in the alterations hereby permitted shall be in accordance with the application forms.

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.

#### **03. APPROVAL CONDITION - Refuse and Recycling [Pre-Commencement Condition]**

Prior to the first occupation of the use hereby approved details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

#### **04. APPROVAL CONDITION - Cycle Storage [Pre-Occupation Condition]**

The development to which this consent relates shall not be occupied until details have been submitted and agreed in writing by the Local Planning Authority for a secure, covered space with cycle stands to store a minimum of 9 cycles. The cycle store hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

#### **05. APPROVAL CONDITION - Energy (Pre-Commencement 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).

#### 06. APPROVAL CONDITION - Landscaping [Pre-occupation Condition]

Notwithstanding the submitted details before the occupation of the units hereby approved a detailed hard and soft landscaping scheme and implementation timetable shall be submitted, which includes hard surfacing materials; 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; 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 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

#### 07. APPROVAL CONDITION - Parking and Circulation [Pre-Occupation Condition]

The units shall not be occupied until space for parking has been laid out within the site in accordance with the plan number C15/007.09 and for vehicles to turn so that they can enter and leave in a forward gear. The turning space for vehicles shall be kept clear at all times and the existing demarcated pedestrian route along the side access shall be retained.

Reason:

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

#### 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 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 flats.

Reason:

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

#### 09. APPROVAL CONDITION - No Storage under Tree Canopy [Performance Condition]

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

Reason:

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

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

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

Reason:

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

#### 11. APPROVAL CONDITION - Remove staircase (Pre-occupation Condition)

Prior to the occupation of the units hereby approved, the existing external staircase on the south west elevation shall be removed and any subsequent damage to the building fabric shall be made good.

Reason:

In the interests of creating a decent residential environment for future occupiers.

#### 12. 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.

### 13. 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 Partial Review - (March 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity

City of Southampton Local Plan Review – (March 2006)

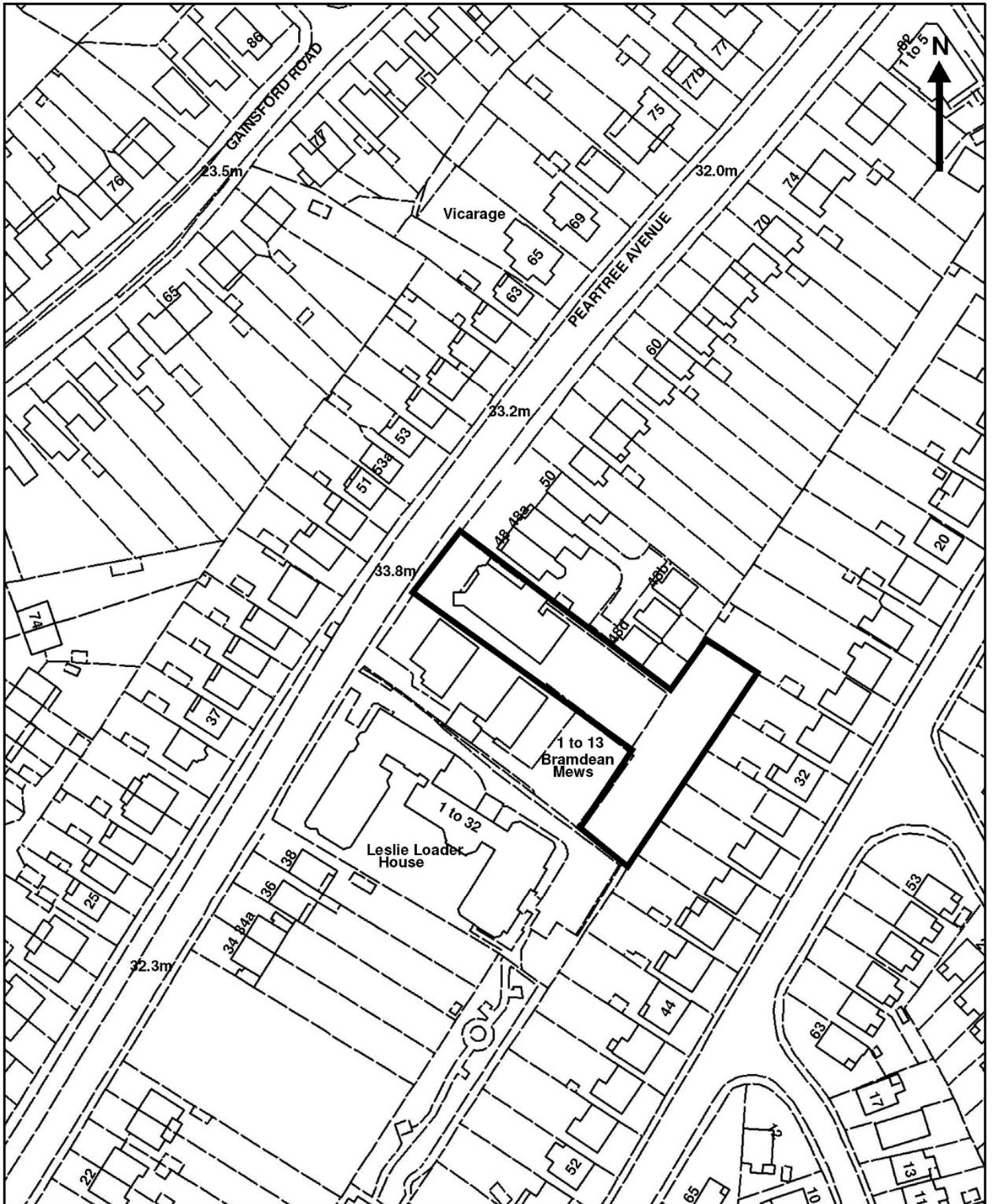
SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
H1	Housing supply
H2	Previously developed land
H7	Residential environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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



Scale: 1:1,250

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# Agenda Item 6

**Planning, Transport and Sustainability Division  
Planning and Rights of Way Panel (East) 5 May 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 56- 58 Cobden Avenue			
<b>Proposed development:</b> Erection of a part single, part two-storey four-bed detached house with rooms within roof space and a detached double garage, with alterations to access and boundary treatment, following demolition of existing garage.			
<b>Application number</b>	14/01908/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	09.01.2015	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr White Cllr Baillie Cllr Inglis

<b>Applicant:</b> Roger, Margaret, Andrew and Jeremy Plant	<b>Agent:</b> Barzey Associates
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<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It is considered that the previous reasons for refusal have been adequately addressed as a result of significantly reducing the level of development to one dwelling, whilst the revised design and layout of dwelling would not adversely affect the character and amenities of the local area. The access and traffic generation will not have a significant impact on the highway network. Sufficient mitigation measures can be put in place to maintain protected trees and wildlife habitats. 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 be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Decision notice for 13/01500/FUL

## **Recommendation in Full**

### **Conditionally approve**

#### **1. The site and its context**

- 1.1 The application site is located within the ward of Bitterne Park on the south side of Cobden Avenue. The surrounding area is mainly characterised by a mixed style of two storey housing sitting in spacious leafy plots. The site slopes down from Cobden Avenue towards the properties in Tamarisk Gardens. The site is also on higher ground than the properties in Cobbett Road.
- 1.2 The site itself contains a two storey building containing four flats within a spacious and green plot. There is parking to the front and a large sloping rear garden. The garden contains a very large oak tree which is covered by a Tree Preservation Order.

#### **2. Proposal**

- 2.1 It is proposed to erect a four bedroom house in the rear garden with associated parking and amenity space.
- 2.2 Amended plans were accepted during the application period. These have reduced the roof bulk and height of the building.

#### **3. 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 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the City and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.3 Policy CS5 (Housing Density) of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development



should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.

- 3.4 Policy CS4 (Housing Delivery) acknowledges that new homes will generally need to be built at higher densities. The policy states that an additional 16,300 homes will be provided within the City between 2006 and 2026. New dwellings coming forward on suitable windfall sites making better use of existing residential land will contribute towards delivering the Council's strategic target for housing supply.
- 3.5 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council's approach to car and cycle parking standards for new developments in the City, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).
- 3.6 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. Relevant Planning History**

- 4.1 The applicant has been in long term discussions with the Planning department since 2010 to redevelop the site. The initial proposal in 2013 (ref no. 13/00500/FUL) for four dwellings was refused under Officer delegated powers on the general grounds of overdevelopment, harm to the protected tree, and impact on the amenities of neighbouring occupiers. The decision notice and plans are attached as Appendix 2.
- 4.2 Prior to this application discussions were had with the applicant to address the reasons for refusal. As a result, the applicant has come forward with only one dwelling.

#### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (05.12.2014). A further consultation period was carried out following the receipt of amended plans (26.03.2015). At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:

##### **5.1.2 Supporting Comments**

- The development is much smaller
- Provision will be made to allow for the fall of the land and natural drainage
- More green space has been preserved

### 5.1.3 Comment

Loss of light, outlook and privacy to properties in Cobbett Road and Tamarisk Gardens. The level of vegetation and the deciduous type shown on the Site Plan is a misleading representation of the level of screening to neighbouring properties and, therefore, does not show the full impact on the neighbouring occupiers. A tall vegetation screen should be agreed by condition in the interests of the privacy of residents in Tamarisk gardens.

#### Response

The siting and scale of building and its gap to the boundary of neighbouring properties is considered to sufficiently address the previous reasons for refusal with respect to the loss of privacy and outlook. The spacing of the building from neighbouring properties is sufficient to ensure there is no detrimental loss of light. Notwithstanding the nature of the existing vegetation screen, the separation distance between the habitable room windows of neighbouring properties meets the Council's minimum standard required to protect privacy.

### 5.1.4 Comment

Visually out of character. A three storey building in a smaller plot is out of character with the local area.

#### Response

There are examples of back land development and subdivision of plots in the surrounding area. The revised plans significantly reduces the roof bulk of the building to ensure that it is a conventional detached two storey dwelling with rooms in the roof.

### 5.1.5 Comment

The building will be built in the root protection zone of the protected oak tree and, therefore be at risk of falling in high winds and damaging properties. The Tree Consultants are not very credible as they previously stated that the tree was not worthy of retention in their report.

#### Response

The Tree Officer has supported the measures in the final Tree Report submitted to preserve the health of the trees to be retained including the large oak tree.

### 5.1.6 Comment

The existing foul system already overflows and blocks due to the sloping nature of the drainage, and there are poor groundwater drainage conditions.

#### Response

Southern Water have raised no objection to the development. The approval of adequate surface water drainage and installation of soakaways is assessed under separate statutory legislation including Building Regulations.

### 5.1.7 Comment

The use of residential garden land is contrary to national and local policy. There will be a loss of biodiversity from redeveloping the overgrown garden. The Ecological Survey dated 2009 is not valid as it is out of date.

#### Response

Although a residential garden is not classified as previously developed land, there is no national or local policy presumption against its redevelopment for making more efficient use of existing land. However, this is subject to other material considerations including the impact on the character and context of the local area. The Ecologist has raised no concerns over the loss of biodiversity, subject to mitigation measures such as planting to replace loss of foraging habitat for common birds, bats and slow worms, and providing details of external lighting in relation to bat habitat.

### 5.1.8 Comment

Impact during construction on traffic in Cobden Avenue during peak times.

#### Response

Conditions can be used to manage impacts of construction. The Highway Officer has raised no concern.

### **Consultation Responses**

5.2 SCC Highways – No objection

5.3 SCC Trees – No objection subject to conditions.

5.4 SCC Ecology – No objection subject to conditions.

5.5 SCC Environmental Health (Pollution and Safety) – No objection

5.6 SCC Environmental Health (Contaminated Land) – No objection subject to conditions.

5.7 Southern Water – No objection

### **6.0 Planning Consideration Key Issues**

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

- Principle of development
- Character and amenity
- Living conditions of existing and future occupiers
- Highway safety

## 6.2 Principle of Development

- 6.2.1 The NPPF does not classify residential gardens as previously developed land, and requires the Council to set its own policies to resist inappropriate development in rear gardens where harm is caused to the character of the local area (para 53 refers). The Council does not have a policy which resists back land development and therefore the site should be assessed on the basis of the context and character of the local area.

## 6.3 Character and Amenity

- 6.3.1 It is considered that the revised scheme has addressed the reasons for refusal of the previous application for 3 dwellings.
- 6.3.2 The subdivision of the very large plot is not uncharacteristic of the local area, and would make more efficient use of the land whilst providing suitable housing. In particular, this would not be too dissimilar to the characteristics of the development to the rear of 62 Cobden Avenue.
- 6.3.3 Since the submission of the application, the reduction in the roof bulk of the dwelling has overcome the Officers concerns. Although the height of the building has only been reduced by 1 metre, the hipped form is far less bulky than the large gable cropped ends.
- 6.3.4 The cross sectional drawing submitted shows that the height relationship with the properties with Tamarisk Gardens to be acceptable. Paragraph 2.2.4 of the Residential Design Guide states that there should be a minimum back to back privacy distance of 21m between habitable rooms, and paragraph 2.2.5 expects the separation distance to be increased by 2m for every 1m rise in ground level between new and existing housing. It is shown that the difference in levels to be approximately 1.2m and therefore the separation distance of 24 metres will be sufficient to protect the privacy of residential properties in Tamarisk Gardens with the absence of a vegetation screen. Furthermore, it is considered that the separation distance between these properties would maintain adequate outlook and light.
- 6.3.5 The properties in Cobbett Road have a separation distance of 30 metres to the west boundary of the site. The land between these properties slopes down, however, the two storey massing of the proposed dwelling will be sufficiently set off the boundary by 9m to ensure that the outlook and light of the neighbouring properties are not unduly affected. Furthermore, this separation distance is sufficient to ensure that the side roof light will maintain the privacy of the neighbouring occupiers. The rear roof light will serve a stairway so will not result in harmful overlooking of the properties in Tamarisk Gardens.
- 6.3.6 The adjacent property at 62a Cobden Avenue sits at a 4m higher eaves level than the proposed dwelling and is separated by the extensively hedged footway on the east boundary of the site. This would ensure that the outlook and light of this neighbours garden would not be adversely affected.

#### 6.4 Living Conditions of Existing and Future Occupiers

6.4.1 The method of subdivision ensures that existing flats and dwelling will have sufficient private amenity space. The 30m separation distance between the front elevation of the new dwelling and the back wall of the existing flats ensures that there will be adequate privacy for both properties.

6.4.2 The internal layout of the proposed dwelling is considered to provide a good standard of living conditions for future occupiers. The property will benefit from a south facing garden which will not be over shaded by the canopy of the large oak tree.

#### 6.5 Highway Safety

6.5.1 The Highway Officer is satisfied that there is adequate turning space at the front of the existing building for vehicles parking at the new dwelling. They have raised no concerns with regards to the impact on highway network in terms of access and parking arrangement. The management of construction traffic can be adequately managed by conditions.

#### 6.6 Other Issues

6.6.1 The previous application was partly refused as the extensive incursion into the root protection area of the protected large oak tree would have been detrimental to the health of the tree. It is proposed to have a significantly smaller incursion into the root protection area of 3.5%. The Tree Officer is satisfied that this will sufficiently maintain the health of the tree. They have supported the methodology of tree protection during construction and pruning works. It should be noted that the 10% crown reduction sought by the applicant requires separate consent from the Tree team, however, the crown of the tree will not physically interfere with the proposed dwelling.

6.6.2 The Ecology Officer has commented that the rear garden and mature trees of the existing property do have the potential to support habitats for protected species such as bats and slow worms. However, provided that appropriate mitigation measures can be put in place they have no objection to the proposed development.

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

requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.6.4 The SDMP payment has been received by the Council.

## **7. Summary**

7.1 In summary, it is considered that the previous reasons for refusal have been adequately addressed as a result of significantly reducing the level of development to one dwelling, whilst the revised design and layout of dwelling would not adversely affect the character and amenities of the local area. The access and traffic generation will have no significant impact on the highway network. Sufficient mitigation measures can be put in place to maintain protected trees and wildlife habitats. As such, the large garden can be more effectively used through subdivision to provide suitable family housing to contribute towards meeting the City's housing need.

## **8. Conclusion**

8.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with the Council's current guidance and policies.

### **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) 6 (c), 7 (a), 9 (a) and (b)

### **SB for 05/05/15 PROW Panel**

#### **PLANNING CONDITIONS**

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

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

Reason:

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

##### **02. APPROVAL CONDITION - Details of Building Materials to be used [Pre-Commencement Condition]**

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

Reason:

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

### 03. APPROVAL CONDITION- Land Contamination Investigation and Remediation [Pre-Commencement and 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; and 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 scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason:

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

### 04. APPROVAL CONDITION - Use of Uncontaminated Soils and Fill [Performance Condition]

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

Reason:

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

#### 05. 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.

#### 06. APPROVAL CONDITION - Refuse and Recycling [Pre-Occupation Condition]

Prior to the first occupation of the use hereby approved details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the dwelling shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose. Refuse bins for the dwelling hereby approved must be brought to the front of the site within 10m of the public highway on collection days only and then returned to the bin store outside of these days.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

#### 07. APPROVAL CONDITION - Cycle Storage [Pre-Occupation Condition]

Prior to the first occupation of the dwelling hereby approved details (and amended plans) of facilities for the storage of cycles shall be submitted to the Local Planning Authority and approved in writing. This shall be secure, covered space with separate Sheffield steel style cycle stands to store a minimum of 1 cycle. The cycle store hereby approved shall be provided prior to the first occupation of the dwelling and thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

#### 08. APPROVAL CONDITION - Landscaping [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed hard and soft landscaping scheme and implementation timetable shall be submitted, which includes hard surfacing materials; 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; 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 five 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 five 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 five 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

#### 09. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, a programme of habitat and species mitigation and enhancement measures shall be submitted to and agreed in writing by the Local Planning Authority. These details shall be implemented in accordance with the approved 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.

#### 10. APPROVAL CONDITION - Protection of Nesting Birds [Performance Condition]

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

Reason:

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

#### 11. APPROVAL CONDITION - Lighting [Performance Condition]

The details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and thereafter should be maintained and retained.

Reason:

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

12. 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.

13. APPROVAL CONDITION - Energy and Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

14. APPROVAL CONDITION - Energy and Water [performance condition]

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

Reason:

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

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

The development hereby approved shall be implemented in accordance with the approved Arboricultural Method Statement (Report Ref: 14TREE3678JH received on 8th April 2015). It will be adhered to throughout the duration of the demolition and development works on site.

Reason:

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

#### 16. APPROVAL CONDITION - Means of Enclosure [Pre-Occupation Condition]

The means of enclosure details hereby approved shall be erected prior to the occupation of any of the dwelling provided under this permission and such means of enclosure shall thereafter be retained and maintained.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

#### 17. APPROVAL CONDITION - Parking and Access [Pre-Occupation Condition]

The dwelling hereby approved shall not be occupied in full or in part until a minimum access width of 4.5m and space has been laid out within the site in accordance with the plan number SP/183/587.1/02B for vehicles to be parked for the existing and approved residential units and for vehicles to turn so that they can enter and leave in a forward gear.

Reason:

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

#### 18. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

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

Reason:

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

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

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

Reason:

In the interests of highway safety.

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

The external amenity space serving the dwelling hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times.

Reason:

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

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

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

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

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the potential impact to the root protection area of the adjacent protected tree and the amenities of neighbouring occupiers.

## 22. 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.

## 23. 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.



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**Application** 14/01908/FUL

## POLICY CONTEXT

### Core Strategy Partial Review - (March 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity

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

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

### Supplementary Planning Guidance

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

### Other Relevant Guidance

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

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**DETERMINATION OF APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Town and Country Planning (Development Management Procedure) (England) Order  
2010**

Barzey Associates  
Woodleah  
Tedburn St. Mary  
Exeter  
Devon  
EX6 6AF

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

**FULL APPLICATION - REFUSAL**

**Proposal:** Demolition of existing garage and sheds and erection of 2 x four bed detached two-storey dwellings and 2 x two-bed two-storey flats with associated parking, boundary treatment and retention of existing flats.

**Site Address:** 56/58 Cobden Avenue Southampton SO18 1FT

**Application No:** 13/01500/FUL

For the following reason(s):

**01.REASON FOR REFUSAL - Overdevelopment of the site**

The scheme by reason of the number of units proposed, layout, and over-engineering of the existing site levels represents an overdevelopment of the site, which is judged to be out of context and character with the immediate area, taking into account its backland nature in relation the established pattern of development. As a result, this would represent a cramped and over-intensive, un-neighbourly impact, poor inter-relationship between existing and future occupiers by the reason of the following design issues:

i) The manner of the subdivision of the site into 3 plots, would result in an excessive footprint to plot ratio for the Gamlingay and the proposed flats which would be out of character with the plot coverage of the properties in the surrounding area.

ii) Proposed dwellings adjacent to the eastern boundary will appear visually dominant when viewed from the neighbour's gardens of 60 and 62 Cobden Avenue. Furthermore, the first floor bedroom windows will directly overlook the rear garden of no. 62 and, therefore, adversely affect the neighbour's privacy. This is contrary to paragraph 2.2.1 to 2.2.2 of the Residential Design Guide.

iii) The loss of a protected tree (ref no. T2-369 The Southampton (56-58 Cobden Avenue) TPO 2005)) of significant amenity and landscape value resulting in harm to the character of the local area.



iv) The back to back separation distance between Albury and no. 25 falls well short of the minimum 28m back to back separation required to maintain adequate privacy between 2 and 3 storey properties as set out in paragraph 2.2.4 of the Residential Design Guide.

v) The dwelling Gamlingay has a 2 storey form in close proximity to the end of the rear garden of 10 Cobbett Road which sits much lower in level and, therefore, will appear visually intrusive when viewed from the neighbour's garden following the removal of the tree and other vegetation.

vi) The siting of the 2 storey massing of the proposed flats will unduly enclose and overlook the rear garden of the existing flats no longer making the amenity space fit for purpose. In addition, it will be an overbearing form of development when viewed from the habitable room rear windows of the existing flats, contrary to paragraph 2.2.7 of the Residential Design Guide.

vii) The perpendicular orientation of Albury and its projection beyond the rear wall of Gamlingay will create a poor residential environment for the occupiers of the latter, by reason of unduly enclosing and overlooking the rear garden not making it fit for purpose, as well as unduly enclosing the outlook of the rear habitable room windows. This is contrary to paragraph 2.2.1 to 2.2.2 of the Residential Design Guide.

viii) Create a poor residential environment for the proposed flats to share the amenity space with the existing flats. Inadvertently, the separate space for the flats would not be sufficient to meet the minimum size of private amenity space under paragraph 2.3.14 of the Residential Design Guide. In addition, the privacy of the ground floor flat lounge would be comprised as it is overlooked by the amenity space, which is contrary to paragraph 2.2.1 to 2.2.2 of the Residential Design Guide.

ix) The intensification of use in terms of comings and going associated with additional vehicles using the proposed access and circulation area will result in undue noise disturbance to the neighbouring properties.

As such the proposal is contrary to saved policies SDP1(i), SDP7(ii)/(iii)/(iv)/(v), SDP9(i)/(v), SDP12(i) of the City of Southampton Local Plan Review (March 2006) and CS5, CS13 of the Core Strategy (adopted January 2010) as supported by the relevant parts of the Residential Design Guide Supplementary Planning Document (approved September 2006).

## 02.REASON FOR REFUSAL - Loss of habitat for protected species

The proposed development does not meet the provisions of the Habitats Directive, as set out in The Conservation of Habitats and Species Conservation 2010, as the three tests have not been met. In addition, the proposed development is likely to lead to a loss of habitat resulting in an adverse impact on local wildlife. This is contrary to saved policy SDP12(i) of the City of Southampton Local Plan Review (March 2006) and policy CS22 of the Core Strategy (adopted January 2010).



**Chris Lyons**  
**Planning & Development Manager**

4 December 2013

For any further enquiries please contact:  
**Stuart Brooks**

### **Note to Applicant - Community Infrastructure Liability (Refusal)**

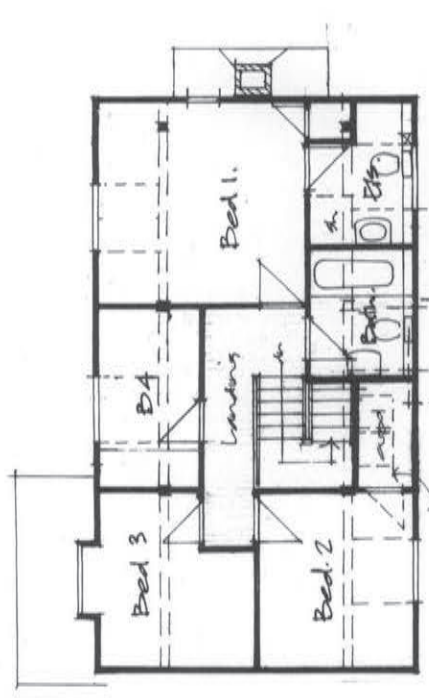
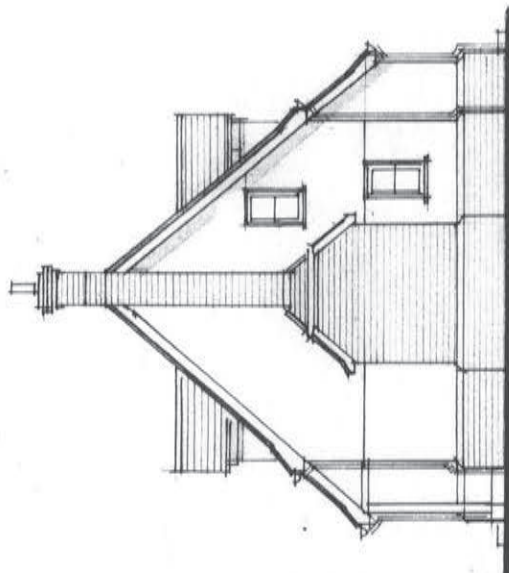
You are advised that, had the development been acceptable, it could be liable to pay the Community Infrastructure Levy (CIL). Please ensure that, should you chose to reapply or appeal, you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number 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.

### **IMPORTANT NOTE TO APPLICANT**

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
		Location Plan	12.08.2013	Refused
SP/183/587/01		General Plan	12.08.2013	Refused
SP/183/587/04		General Plan	12.08.2013	Refused
SP/183/587/03		General Plan	12.08.2013	Refused
SP/183/587/02		General Plan	12.08.2013	Refused



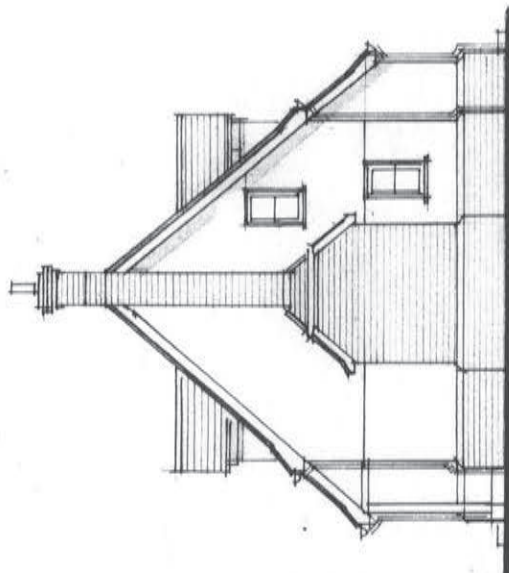
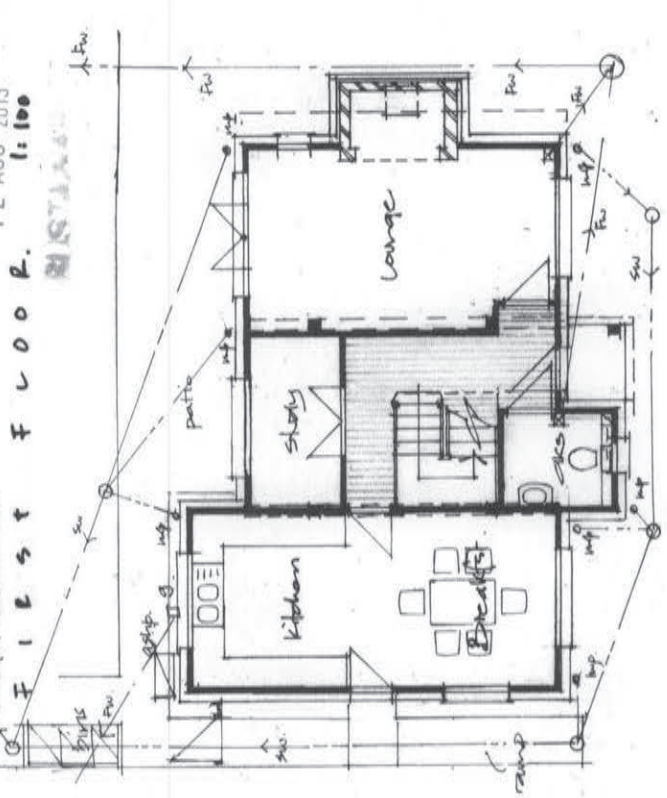


PLANNING

12 AUG 2013

FILEST FLOOR. 1:100

1/2 lit ramp with sloping edge up to velux lights to light stairwell.



N

S



Scale 1:100 @ A3

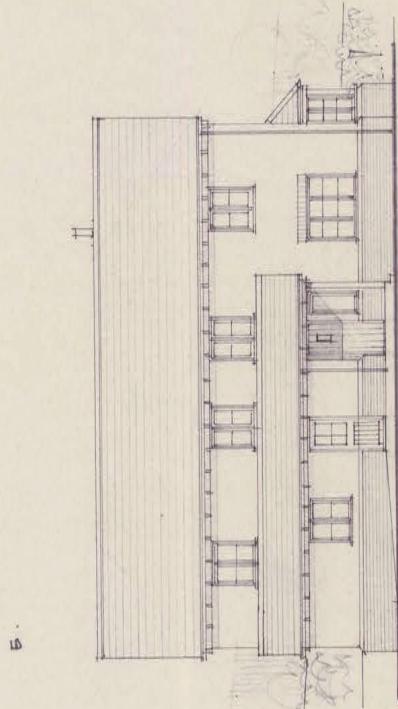
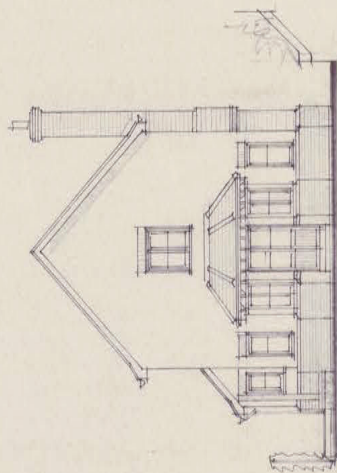
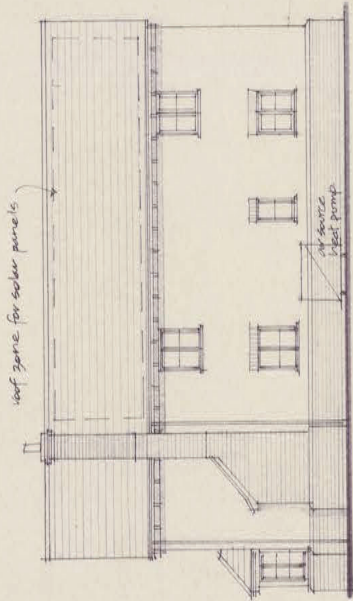
ABOUND FLOOR. 1:100

12 AUG 2013



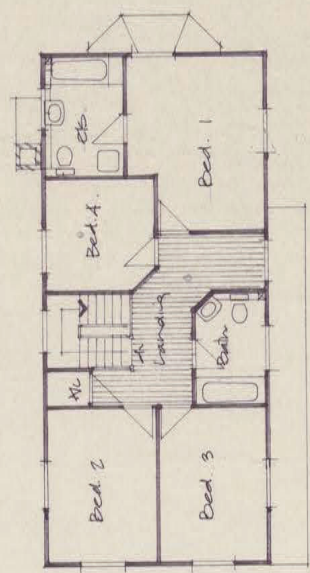




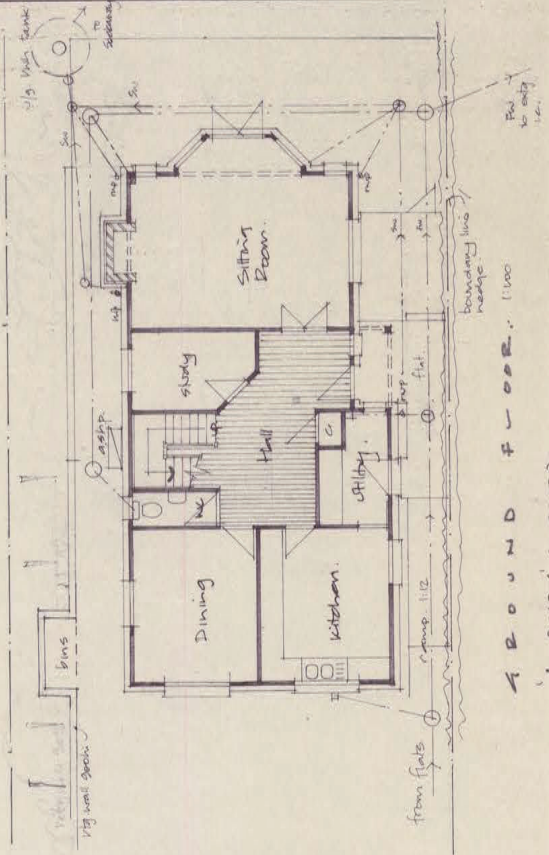


WEST

NORTH



FIRST FLOOR.



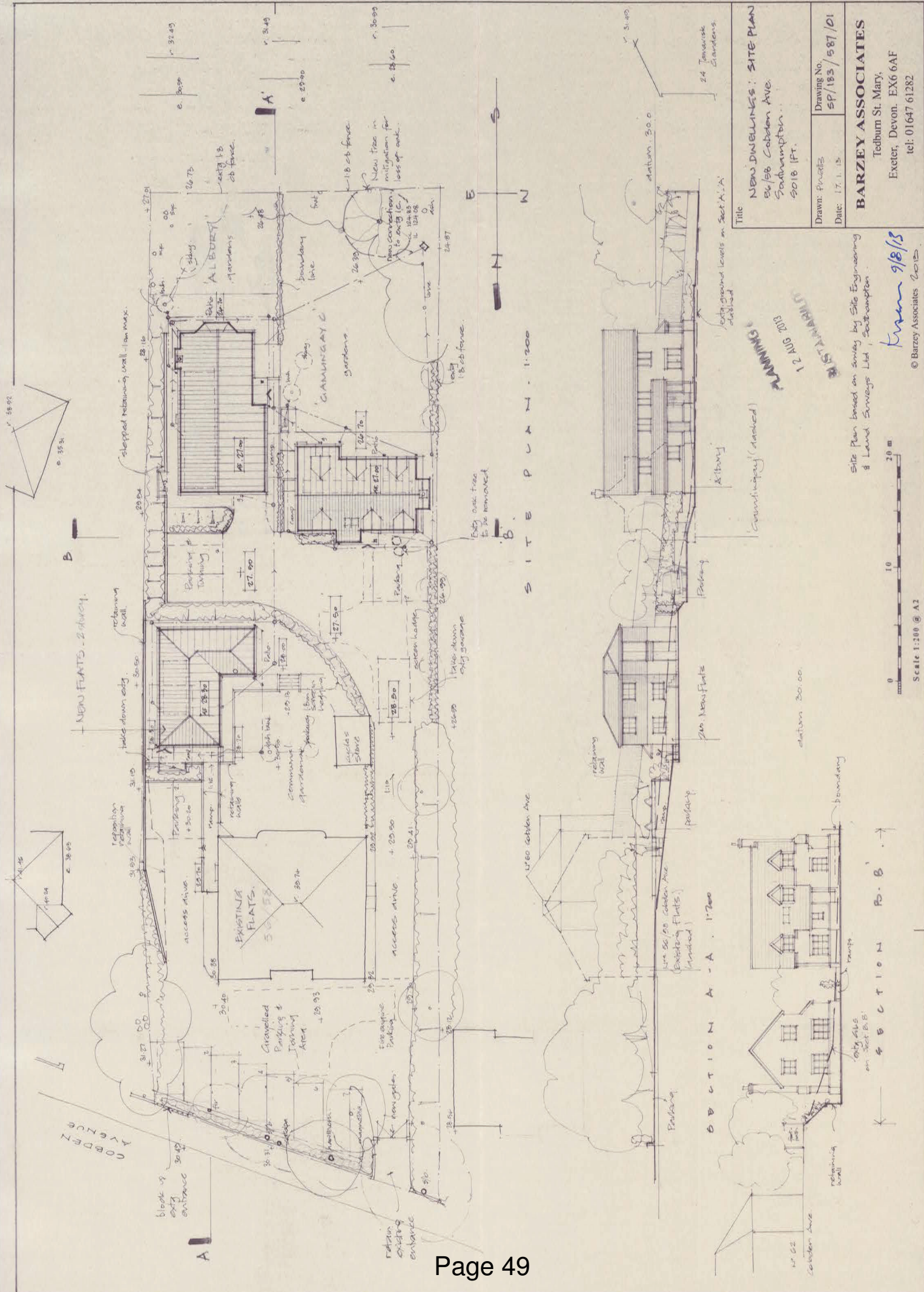
GROUND FLOOR. 'AUBURY' HOUSE TYPE.

Title New Dwellings: 'AUBURY' 56/58 Cobden Avenue Southampton SO18 1FT.	
Drawing No. SP/193/587/02	Date: 0/12
<b>BARZEY ASSOCIATES</b> Tedburn St. Mary, Exeter, Devon. EX6 6AF tel: 01647 61282	

PLANNING  
12 AUG 2012

12/17  
© Barzey Associates 2012





Title <b>NEW DWELLINGS : SITE PLAN</b> 56/58 Cobden Ave. Southampton 5018 (FT)	
Drawing No. SP/183 / 587 / 01	Date: 17.11.15
<b>BARZEY ASSOCIATES</b> Tedburn St. Mary, Exeter, Devon. EX6 6AF tel: 01647 61282	

12 AUG 2015  
 REINSTALLED  
 Planning  
 only ground levels on Sect A-A  
 only 15' cut fence

Site Plan based on survey by Site Engineering  
 & Land Surveys Ltd, Southampton.  
 from 9/8/15  
 © Barzey Associates 2015



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# Agenda Item 7

**Planning, Transport and Sustainability Division  
Planning and Rights of Way Panel (East) 5 May 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 20 Anson Drive			
<b>Proposed development:</b> Erection of a two-storey, detached dwelling with associated parking and cycle/refuse storage (outline application seeking approval for access, appearance, layout and scale)			
<b>Application number</b>	15/00041/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	10.03.2015	<b>Ward</b>	Sholing
<b>Reason for Panel Referral:</b>	Request by Cllr Hecks on the basis that the prominence of the structure would be overbearing and intrusive.	<b>Ward Councillors</b>	Cllr Blatchford Cllr Jeffery Cllr Hecks

<b>Applicant:</b> Mr and Mrs Jackman	<b>Agent:</b> RS Architectural Ltd
--------------------------------------	------------------------------------

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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### Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS19, CS20 and CS22 of the Local Development Framework Core Strategy (January 2010) and National Planning Guidance contained within the National Planning Policy Framework.

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

## Recommendation in Full

### Conditionally Approve

#### 1. The site and its context

- 1.1 The application site currently forms land to the side of a row of terraced dwellings and is a corner plot fronting onto a curve in Anson Drive. The site levels drop to the rear of the site, with a car parking area and garages to the rear.
- 1.2 The surrounding area is residential in nature, with a mix of different housing types including blocks of flats.

#### 2. Proposal

- 2.1 Outline planning permission for all matters except landscaping, is sought for a single detached two-storey three-bed dwelling with refuse/cycle stores and parking to the rear. Some 70sq.m of useable amenity space is provided to serve the new dwelling. The existing dwelling retains some 75sq.m of outdoor garden space.

#### 3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27 March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### 4. Relevant Planning History

- 4.1 None of relevance

#### 5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and the erection of a site notice on 30 January 2015. At the time of writing the report **nine representation** letters (with eight being copies of the same objection letter from different residences) have been received from surrounding residents.

## Summary of Comments:

- 5.2 The surrounding area is densely populated/the proposal would represent overdevelopment of the site.  
**Response:**  
The existing site has a density of 22 dwellings per hectare. Excluding the property at 20 Anson Drive the neighbouring terraced row has a density of 55 dwellings per hectare. Following the proposal the site would have a density of 44 dwellings per hectare. With reference to policy CS5, densities between 35 and 50 dwellings per hectare are typically classified as low density and suitable for lower accessibility areas. The scheme is therefore compliant in density terms and retains the necessary external garden space for both dwellings to satisfy the guidance contained with the RDG.
- 5.3 The current parking spaces to the rear are used by neighbouring residents to alleviate parking congestion. Lack of parking will exacerbate existing parking issues.  
**Response:**  
The applicant has stated that this land falls within their sole ownership. Given the apparent circumstances, it would not be reasonable of the Council to refuse to grant planning permission on the basis that the land is currently used on an unauthorised basis by people who do not have an interest in the land. The land will continue to provide parking, allocated to the associated dwellings it serves.
- 5.4 The position on the corner represents a highways safety issue.  
**Response:**  
The Highways Officer is satisfied that the proposed development has satisfactory parking and would have an acceptable impact on highway safety.
- 5.5 Building works would be inconvenient for neighbours.  
**Response:**  
Such issues would be temporary in nature and can be controlled through the use of conditions to control hours of construction (for instance).
- 5.6 The new dwelling would overshadow/overlook neighbouring properties to the rear.  
**Response:**  
With reference to section 2.2.7 of the Residential Design Guide, in order to protect outlook the Council would typically expect a set-back of at least 12.5m between the rear wall of a two-storey dwelling and the side wall of another dwelling with habitable room windows (increasing by an additional 1m for each 1m change in site levels). The proposed dwelling is set 27m from the side wall of the dwelling to the rear.
- 5.7 Planning permissions for single and two-storey extensions in the local area have been refused in the past.  
**Response:**  
Each application must be considered on its individual merits at the time of submission with reference to relevant local and national policy at the time. This corner site has an unusually large garden with a unique shape for this context.
- 5.8 The detached nature of the dwelling would be out of character with other properties in the surrounding area.

**Response:**

The character of the area is largely terraced in nature, although given the corner location and the appearance of being linked detached (despite a slight gap) it is considered that the introduction of a building of similar architecture to its neighbours will not result in harm to the wider street scene.

- 5.9 **Cllr Hecks** – Discrepancies between submitted plans. Additionally the site is positioned prominently in the surrounding street scene and would be overbearing and intrusive. Site levels are not clearly identified in submitted drawings.

Note: Amended plans have been submitted to address discrepancies noted. A planning condition can be added to secure appropriate ground levels and an eaves line that matches the neighbouring dwelling.

5.10 **Consultation Responses**

- 5.11 **SCC Highways** – No objection following submission of amended plans to include 2m vision splay from parking spaces.

- 5.12 **SCC Sustainability Team** – No objection, apply recommended conditions to secure Code for Sustainable Level 4..

- 5.13 **CIL** - The development will become CIL liable at reserved matters stage. The charge will be levied at £70 per sq m on the Gross Internal Area of the new development.

- 5.14 **SCC Environmental Health (Contaminated Land)** – No objection, conditions recommended.

- 5.15 **Southern Water** – No objection. Noted presence of a sewer near proposal which will need to be clarified by applicant.

6. **Planning Consideration Key Issues**

- 6.1 The key issues for consideration are listed below:

- Principle of Development;
- Highways and Parking;
- Design and impact on established character;
- Impact on adjoining residential amenity;
- Proposed residential environment; and
- Solent Disturbance

6.2 **Principle of Development**

- 6.3 The site is not safeguarded for any specific use and currently forms part of the garden space of the property at 20 Anson Drive. Given the positioning of the land within the street scene the proposal will effectively form a continuation of the existing road frontage.

- 6.4 On balance, given the existing use, positioning and context of the plot it is considered that the creation of a residential dwelling in this location is broadly acceptable. As such the main issue to be considered is the specifics of the proposal and how they relate to the circumstances of the site.

## 6.5 Highways and Parking

6.6 The application proposes an alteration of the existing layout, including the widening of a dropped kerb, to create 2 parking spaces for the proposed new unit (whilst retaining 1 parking space for the existing dwelling in the existing parking courtyard). As outlined in the Parking SPD the maximum parking provision for a 2/3-bed unit is 2 spaces. On balance it is felt that taking this into account the provision of on-site parking is appropriate.

6.7 The application includes provision for refuse and cycle storage to the rear with access from the public footpath via a gate and up to the main garden via steps. A condition is recommended to secure alternative provision.

## 6.8 Design and Impact on Established Character

6.9 The proposed dwelling is situated as a continuation of the existing terraced row to the south-west. The terraced properties step back in pairs with the road towards the corner. The new dwelling is similar in scale and design to the terraced dwellings and necessarily continues the step back from the front of the neighbouring property due to the curvature of the road.

6.10 The property at 20 Anson Drive has an existing single storey side extension, resulting in a gap between the properties which is not characteristic of the neighbouring terraced dwellings. The existing garden is quite open to the neighbour street, meaning that any boundary treatment along this section would need to be carefully considered. However, on balance, it is not felt that the proposal will have a significantly harmful impact on the character of the local area given the existing context within the street scene.

## 6.11 Impact on Neighbouring Residential Amenity

6.12 With reference to the comments made above, on balance it is not considered that the property will have a significantly harmful impact in terms of the property to the rear. Taking into account the set back across the road the proposal is not considered to represent significant harm when compared to the existing situation to the other properties across the road.

6.13 The main impact of the proposal will fall on the occupier of the property at 20 Anson Drive (currently falling within the ownership of the applicant). Due to the set back from the front of the neighbouring property the proposed structure would protrude somewhat to the rear. However, when taking into account the set-back provided between the properties by the single storey extension to 20, it is not considered that the proposal will significantly impact on the outlook from the rear facing windows.

6.14 The property has a number of side facing windows. The applicant has confirmed that these windows serve the landing/staircase. Given the forward position of these windows minimising the impact of the proposal (and that they do not serve habitable rooms) on balance it is not felt that this relationship results in such significant harm as to justify a reason for refusal.

6.15 The main impact will be the loss of the associated garden space which originally fell

within the plot of 20 Anson Drive. Following the application the property at number 20 will retain 70sq.m of useable amenity space (plus a small area between the two properties behind the single storey rear extension). This is felt to be a reasonable provision to meet the requirements of the original occupants and meets our standards.

6.16 Residential Environment

6.17 The layout of the development has been designed such that all of the rooms have adequate outlook and light. The space in the garden is proposed to be subdivided to ensure a private amenity space to the rear of the property. As part of any follow up application for landscaping under a reserved matters application the boundary treatment along the Anson Drive frontage will need to be carefully controlled to ensure it retains the privacy of the host occupants without appearing overbearing on the immediately adjoining pavement and as such a condition is recommended to require further details.

6.18 Each habitable room will achieve acceptable outlook, daylight and ventilation; and each dwelling has its own front garden with defensible space in front of habitable rooms, and private garden space.

6.19 The amenity space is a slightly unusual size which somewhat limits the usefulness of some of the space, however considering the amount provided and additional provision of cycle and refuse stores to the rear, which avoids taking up more of this space, on balance it is considered that the provision is acceptable.

6.20 Solent Disturbance

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

7. Summary

7.1 The proposed scheme provides an acceptable residential environment for future occupiers without significantly affecting neighbouring amenity or the character of the local area. A suitable balance has been achieved between securing additional

housing, parking and on-site amenity space, whilst ensuring that existing residential amenity is protected.

## **8. Conclusion**

8.1 For the reasons discussed above, it is considered that planning permission can be granted for this new dwelling.

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

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

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

### **JF for 05.05.15 PROW Panel**

#### **Planning Conditions**

##### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the appearance and design of the structure, the scale, massing and bulk of the structure, is approved subject to the following:

- (i) -Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site; and
  - the landscaping of the site specifying both the hard, soft treatments and means of enclosures with an ongoing management plan.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun either before the expiration of five years from the date of this Outline permission, or before the expiration of two years from the date of approval of the last application of the reserved matters to be approved whichever is the latter.

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

##### **02. APPROVAL CONDITION - Details of Building Materials to be used [Pre-Commencement Condition]**

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings.

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 - Boundary Treatment [Pre-Occupation Condition]

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and retained thereafter.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

### 04. APPROVAL CONDITION - Cycle and Refuse Storage [Pre-Occupation Condition]

Prior to occupation of the dwelling hereby approved full details of the proposed cycle and refuse storage including access routes shall be agreed in writing with the Local Planning Authority. The refuse and cycle stores shall be implemented in accordance with the agreed details prior to the first occupation of the dwelling hereby approved and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To encourage sustainable modes of transport and in the interests of visual amenity.

### 05. APPROVAL CONDITION - Use of Uncontaminated Soils and Fill [Performance Condition]

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

Reason:

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

### 06. 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.



07. 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).

08. 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).

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 – Levels

No development shall take place until a plan showing the proposed ground and eaves level of the approved dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

Reason:

As the site has a change in level and to ensure that the eaves level of the approved dwelling matches that of the existing neighbour at 20 Anson Road.

#### 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.

**POLICY CONTEXT**

Adopted Core Strategy (January 2010)

CS4 (Housing Delivery)  
CS5 (Housing Density)  
CS13 (Fundamentals of Design)  
CS19 (Car and Cycle Parking)  
CS20 (Climate Change)  
CS22 (Promoting Biodiversity and protecting habitats)

City of Southampton Local Plan Review (March 2006)

SDP1 (Quality of Development)  
SDP4 (Development Access)  
SDP5 (Parking)  
SDP7 (Context)  
SDP8 (Urban Form and Public Space)  
SDP9 (Scale, Massing and Appearance)  
SDP10 (Safety and Security)  
SDP12 (Landscape and Biodiversity)  
H1 (Housing Supply)  
H2 (Previously Developed Land)  
H7 (The Residential Environment)  
H8 (Housing Density)

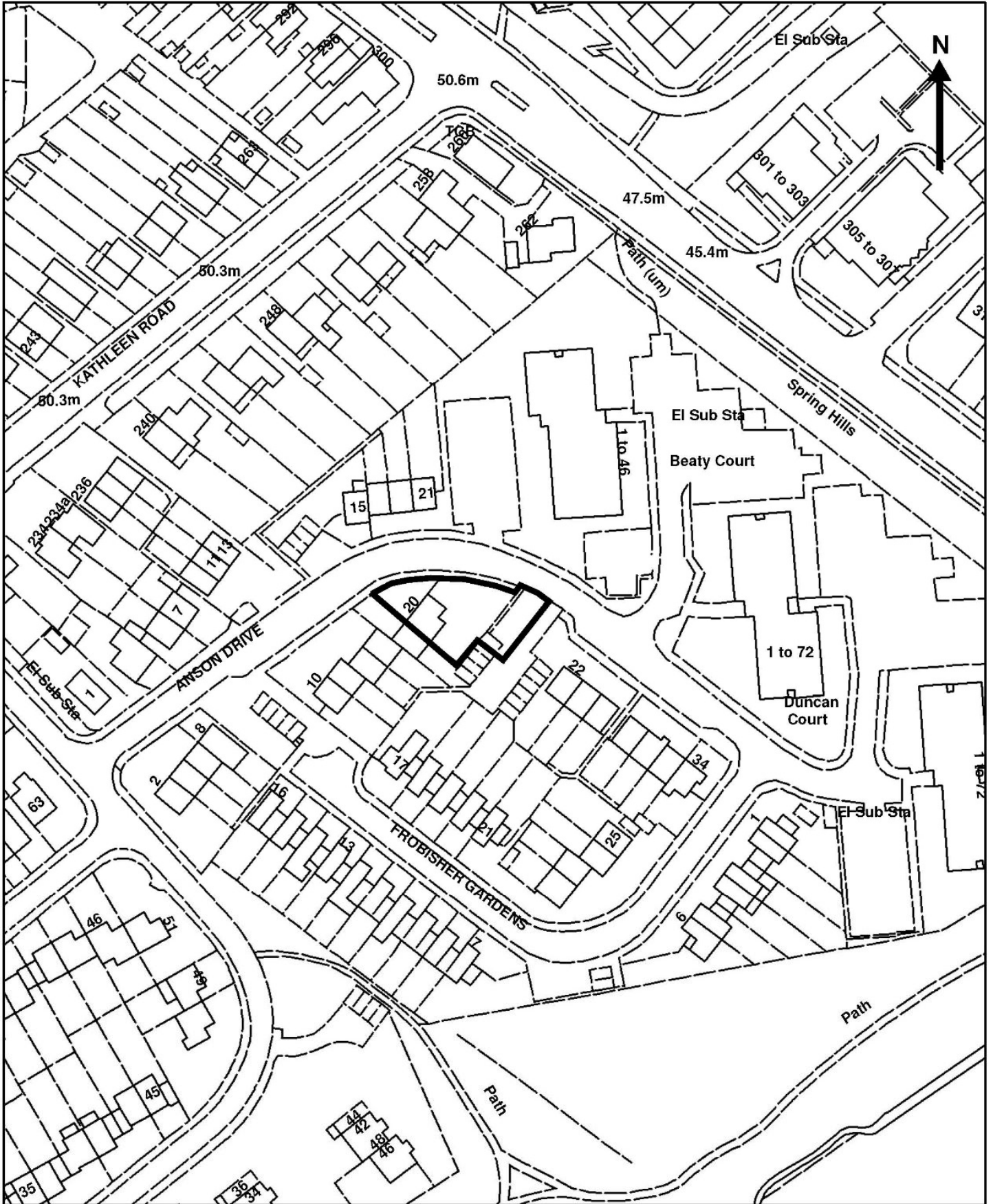
Supplementary Planning Guidance

Residential Design Guide (Approved – September 2006)  
Parking Standard SPD (September 2011)

Other Guidance

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

# 15/00041/OUT



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# Agenda Item 8

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (East) 5 May 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Bedford House, Amoy Street			
<b>Proposed development:</b> Application for approval of details reserved by conditions 7 (construction environment management plan), 8 (material storage), 10 (cycle storage), 12 (public sewer protection), 22 (lighting), 23 (trees), 24 (ecological mitigation statement), 25 (materials), 26 (landscaping, lighting and means of enclosure) and 28 (demolition statement) of planning permission ref 14/01778/FUL for 18 houses.			
<b>Application number</b>	15/00465/DIS	<b>Application type</b>	DIS
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	22/05/2015	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Request made by Planning Panel due to sensitive nature of the development and proximity to conservation area.	<b>Ward Councillors</b>	Cllr Noon Cllr Tucker Cllr Bogle
<b>Referred by:</b>	N/A.	<b>Reason:</b>	N/A

<b>Applicant:</b> Bedford House Developments Ltd	<b>Agent:</b> Tony Oldfield Architects
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<b>Recommendation Summary</b>	<b>No objection to the discharge of condition 25 (Materials).</b>
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<b>Community Infrastructure Levy Liable</b>	N/A
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## Recommendation in Full

1. Approve the Schedule of Materials listed in this report
2. Delegate to the Planning and Development Manager to issue decision regarding the other planning conditions covered by application 15/00465/DIS

## 1 Background

- 1.1 The application seeks approval for the discharge of conditions that relate to pre-commencement and pre-occupation conditions applied to the conditional approval to application 14/01778/FUL, which the Planning and Rights of Way Panel resolved to grant planning permission for on 13th January 2015. Planning

permission has not yet been issued as the scheme's viability is being tested ahead of a Section 106 legal agreement being signed. The scheme itself relates to the demolition of the existing building on site and the construction of 18 two storey houses. When dealing with the full planning application for the development the Planning and Rights of Way Panel requested that the details of the materials were brought back to the Panel for consideration due to the level of local interest and to ensure that they are of a high quality finish owing to the proximity of the site to conservation area.

## **2 Proposal**

- 2.1 Whilst the application seeks the discharge of 10 separate conditions it is only the condition relating to the proposed external materials that the Planning and Rights of Way Panel are being asked to consider at this time. The remaining conditions will be dealt with in the usual way by Officers under delegated powers.
- 2.2 The applicant proposes to use the following materials in the construction of the development, and material samples will be brought to the Planning and Rights of Way Panel meeting for inspection ahead of determination:

Roof tile: Weinerberger New generation / interlocking slate, Cassisus Style.  
Bricks: Cissbury, red multi stock.  
Fascia boards: UPVC, dark grey.  
Windows and doors: UPVC, dark grey.  
Gutters and downpipes: black UPVC.  
Hard surfacing; central shared surface street paving: Aquasett - Cornish Natural.  
Hard surfacing; car parking spaces: Omega Flow - Charcoal.

## **3 Consultation Responses and Notification Representations**

- 3.1 Neither the City Design Group Leader or the Heritage and Conservation Group Leader have an objection to the use of the materials proposed.

## **4 Planning Consideration Key Issues**

- 4.1 For ease of reference the full wording of the condition 25 is set out below:

*APPROVAL CONDITION - Details & 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 to be used for external walls, windows, doors, bin storage areas and the roof of the proposed dwellings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, bricks and tiles, drainage goods, soffit and fascias 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.*

- 4.2 The schedule of materials as set out above will be represented at panel by a

sample board. Officers have negotiated these materials, including an improvement to the large interlocking concrete roof tiles that were originally proposed, with the aim of improving the external appearance and finish of the scheme. Officers are now satisfied that the materials chosen will lead to a development that is visually acceptable given the context of the site and character of the local area including the nearby Carlton Crescent Conservation Area.

## **5 Conclusion**

- 5.1 The information provided is sufficient to allow the discharge of Condition 25. Full compliance with the condition will be achieved provided that the site development is carried out in full accordance with the details of the materials submitted.

The remaining conditions listed under planning reference 15/00465/DIS are not yet ready for full clearance and will be done so under delegated authority.

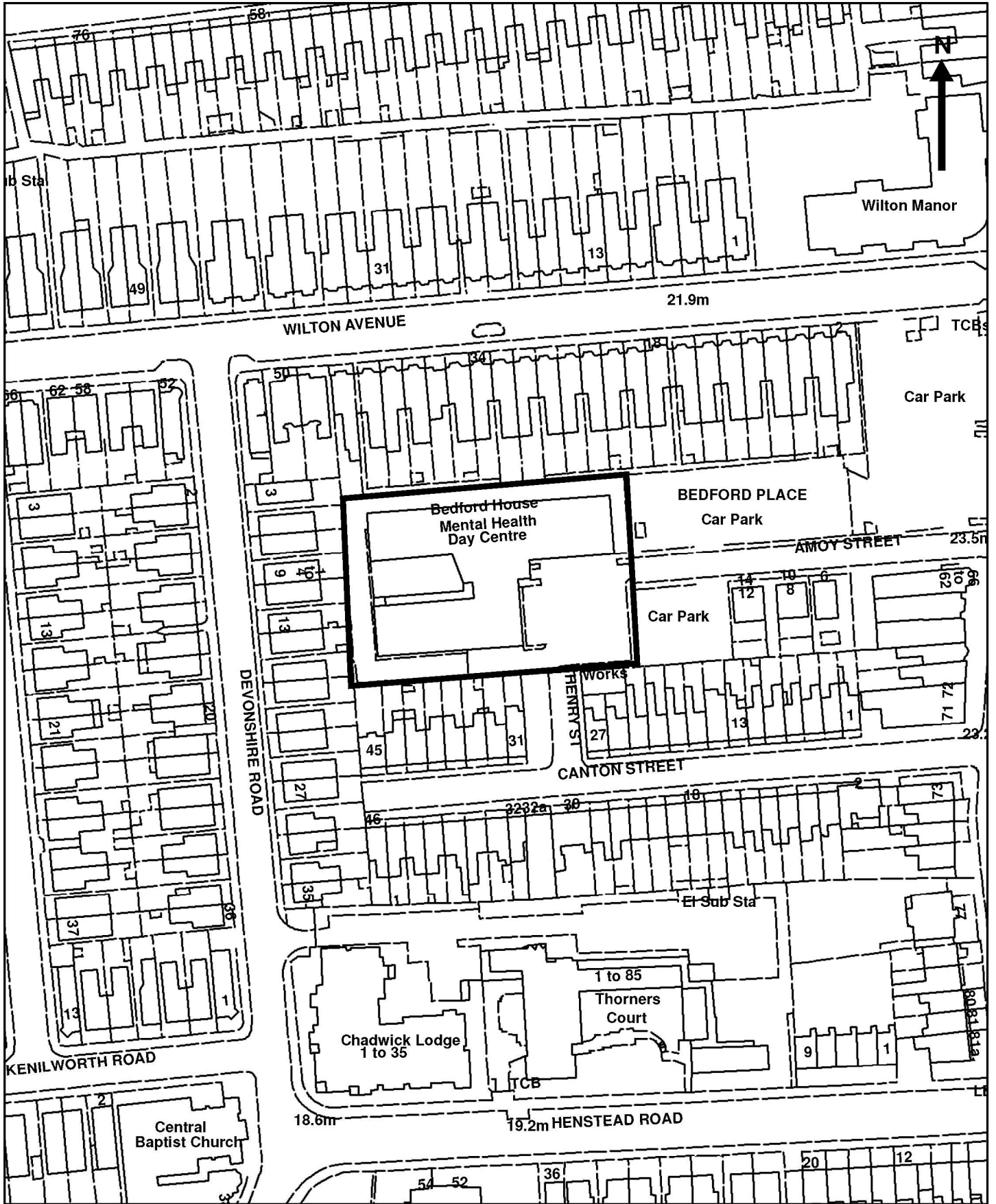
### **Local Government (Access to Information) Act 1985**

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

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

**MP3 for 05/05/15 PROW Panel**





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