

Planning and Rights of Way Panel (WEST)

Tuesday, 21st April, 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 Lloyd (Vice-Chair)
Councillor Claisse
Councillor L Harris
Councillor Mintoff

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: -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

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

Planning and Rights of Way - WEST	
2014	2015
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.

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 24 March 2015 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 WESTWAY PRECISION ENGINEERING, HENTY ROAD, 15/00145/FUL (Pages 9 - 24)

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.

6 52-54 WATERLOO ROAD, 14/02077/FUL (Pages 25 - 48)

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.

7 29 JANSON ROAD, 14/01959/FUL (Pages 49 - 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 **FLAT 7, WINN COURT, 15/00031/FUL** (Pages 63 - 76)

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.

9 **26 STAFFORD ROAD, 15/00032/FUL** (Pages 77 - 84)

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.

10 **LAND REAR OF 27 NELSON ROAD, 15/00138/FUL** (Pages 85 - 94)

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

MONDAY 13 APRIL 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (WEST)
MINUTES OF THE MEETING HELD ON 24 MARCH 2015

Present: Councillors Lewzey (Chair), Lloyd (Vice-Chair), Claisse, L Harris and Mintoff

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

RESOLVED that the Minutes of the meeting held on 24 February be approved and signed as a correct record.

45. **3 ST JAMES ROAD, SO15 5FB 15/00097/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.

Erection of a single storey rear extension and change of use from A1 (retail) to mixed A1 (retail-opening hours as existing) and A4 (drinking establishment- opening hours Wednesday-Friday 16:00-22:00 and Saturday-Sunday 12:00-22:00) with external garden area and associated alterations including detached cycle store.

Professor Anderson, Ms Hook, Mr Hughes, Mr Mogridge, Mrs Barter (local residents/objecting), Councillor Shields and Parnell (Ward Councillors/objecting), Mr Emberson (local resident/supporting) and Mr Gosney (Applicant) were present and with the consent of the Chair, addressed the meeting.

Additional Condition

15. APPROVAL CONDITION – Smoking
(Performance Condition)

Smoking after 2100 hours to only take place to the front of the micro pub and not within the rear beer garden.

Reason:

To safeguard neighbouring residential amenity and in the interests of public health.

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

1 Impact of Beer Garden

Adverse impact on residential amenity of neighbouring properties by virtue of potential noise and disturbance arising from the proposed beer garden. Accordingly, the development is contrary to Policy SDP1 of the adopted City of Southampton Local Plan Review (2006).

2 Impact of Vehicle Drivers Visiting Site

Adverse impact on residential amenity of neighbouring properties by virtue of increased on street car parking pressures. Accordingly, the development is contrary to Policy SDP1 of the adopted City of Southampton Local Plan Review (2006).

46. **29 JANSON ROAD, SO15 5FU 14/01959/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.

Change of use to a large house in multiple occupation (retrospective).

Mrs Barter, Mr Lima (local residents/objecting) and Mrs Harding (Agent) were present and with the consent of the Chair, addressed the meeting.

The Panel expressed their concern regarding the number of potential occupiers.

RESOLVED that this item be deferred to allow additional evidence to be obtained from the applicant regarding occupancy prior to the property being occupied by 7 people.

47. **LAND ADJACENT TO 42 BURGESS ROAD, SO16 7AB 14/01767/FUL**

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

Erection of a part 2-storey, part single storey, 2-bed detached house with associated parking and cycle/refuse storage.

Mr Linecar (Southampton Commons and Parks Protection Society/objecting), Mr Puplampu (Agent) and Mr Radford (Applicant) were present and with the consent of the Chair, addressed the meeting.

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

Reasons for Refusal

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

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

Residential Design Guide SPD 2006 (specifically section 4.4 and paragraphs 4.8.7 and 4.8.8).

02. REASON FOR REFUSAL - SPA Mitigation

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

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Agenda Annex

PLANNING AND RIGHTS OF WAY PANEL (WEST) INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 21st April 2015 - 6pm – Council Chamber, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	LG	CAP	5	15/00145/FUL Westway Precision Engineers, Henty Road
6	MP	DEL	15	14/02077/FUL 52-54 Waterloo Road
7	LG	CAP	5	14/01959/FUL 29 Janson Road
8	LG	CAP	5	15/00031/FUL Flat 7, Winn Court
9	JF	CAP	5	15/00032/FUL 26 Stafford Road
10	JF	REF	5	15/00138/FUL Land rear of 27 Nelson Rd

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

LG – Laura Grimason

MP – Mat Pidgeon

JF – John Fanning

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 (West) Panel – 21 April 2015
Planning Application Report of the Planning and Development Manager**

Application address: Westway Precision Engineering Henty Road			
Proposed development: Proposed change of use from Industrial (class b1) to Community Centre (Class D1)			
Application number	15/00145/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5
Last date for determination:	30/03/2015	Ward	Millbrook
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Galton Cllr Denness Cllr Thorpe
Referred by:	Cllr Galton	Reason:	Impact on residential amenity from increased parking demand and noise / disturbance.

Applicant: UK Shaolin Temple	Agent: N/A
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1 and SDP5 of the City of Southampton Local Plan Review (March 2006)
CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached

1	Development Plan Policies		
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Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site consists of part of an industrial workshop to the south of Henty Road. The surrounding area is predominantly residential and is characterised by two storey, terraced and semi-detached dwelling houses.

2.0 Proposal

2.1 Permission is sought for a change of use from industrial (Class B1) to a community centre (Class D1). This application relates only to the rear part of the existing workshop, set back from Henty Road by approximately 22m. The front part of the site will remain in industrial use.

2.2 The community centre would be used for Shaolin and Chinese cultural activities for all ages. The activities to be undertaken would include: Shaolin Kung Fu, Tai Chi and self-defence classes in addition to wellbeing and cultural activities including meditation, calligraphy and Chinese language classes.

2.3 The applicant has indicated that the centre would operate between 09:00 and 21:30 Monday to Saturday only. It would remain closed on Sundays and Bank Holidays. More specifically, the community centre would operate as an office / headquarters between 09:00 and 16:00 Monday to Friday with Shaolin and Cultural activities in operation between 17:00 and 21:30. The applicant has specified that the quieter 'wellbeing' activities would be held between 20:30 and 21:30.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

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

3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 In 2014, an application (ref. 14/01824/FUL) was refused. This sought permission for a change of use from industrial (class B1) to a community centre (Class D1). There were 2 reasons for refusal. These were as follows;

1. Lack of information (Parking).

The application fails to provide sufficient and accurate information with regard to the available car and cycle parking for the proposed use. As a result, the Local Planning Authority is unable to fully assess the impact on the immediate streets in terms of residential amenity and therefore determine whether the proposal is contrary to saved policies SDP1 (i) of the City of Southampton Local Plan Review (Adopted March 2006), policy CS19 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010) and sections 4.3.1 and 5 of the Parking Standards Supplementary Planning Document (Approved September 2011).

2. Lack of information (Noise / Disturbance).

The application fails to provide sufficient information on the specific activities, especially within the evening hours (1800-2200), proposed to be undertaken within the building. As a result, the Local Planning Authority is unable to fully assess the impact on the neighbouring residential properties in terms of noise, disturbance and amenity and therefore determine whether the proposal is contrary to saved policies SDP1 (i) and SDP16 (i) of the City of Southampton Local Plan Review (Adopted March 2006).

- 4.2 In 1983, conditional approval (ref.W02/1641) was granted for the use of the property for light industrial purposes. This restricted hours of operation to between 08:00 and 18:00 Monday to Friday and 08:00 and 12:00 hours on Saturdays. This use is not permitted on Sundays or Bank Holidays.

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. At the time of writing this report **23** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.1.1 The submitted parking survey is flawed and does not accurately reflect the number of spaces available on the road, particularly at peak hours and at the weekend. Furthermore, a parking survey has not been undertaken during the evening or during the times when the proposed use would be in operation.

Response: The submitted parking survey is considered sufficient to examine parking provision within the area surrounding the application site. This has been reviewed by the highways team who are satisfied with its findings. It is the view of the Local Planning Authority that the parking survey demonstrates that there is sufficient parking capacity in the surrounding area.

- 5.1.2 There is no information on the level of noise likely to arise from the proposed use.

Response: A noise report was submitted on 19/03/2015. This has been reviewed by the Environmental Health team who do not raise objection to the scheme. Through negotiation with the applicant, we have reached an acceptable compromise where suitably worded conditions will be imposed to protect nearby residential properties from any noise arising from the proposed activities but will still enable the proposed activities to take place.

- 5.1.3 The proposed use would give rise to an increase in noise arising from the site which would be to the detriment of the residential amenities of neighbouring occupiers. Noise would also potentially arise from people and vehicles arriving and leaving during the day and into the evening.

Response: The Environmental Health have raised no objection to this application regarding noise from the proposed use. Provided a number of conditions are imposed, the proposal is not considered likely to be detrimental to residential amenity.

- 5.1.4 There is insufficient information regarding the proposed uses.

Response: The applicant has submitted information to indicate the types of classes which would be undertaken. The community centre would be used for Shaolin and Chinese cultural activities for all ages. The activities to be undertaken would include: Shaolin Kung Fu, Tai Chi and self-defence classes in addition to wellbeing and cultural activities including meditation, calligraphy and Chinese language classes.

- 5.1.5 The presence of asbestos on site would introduce a safety issue for future users of the site.

Response: This is not a planning issue. For help with asbestos, the applicant would need to contact the Environmental Health department and the Health and Safety Executive.

- 5.1.6 The proposed use would exacerbate existing parking issues within the surrounding area, particularly along Clarendon Road and Henty Road. This tends to be worse during the evening. Given the nature of the use, it is likely that users would travel to the site by car and not by cycling or using public transport as stated by the applicant.

Response: The applicant has submitted a detailed parking survey which indicates that there is sufficient capacity on the residential roads surrounding the application site. Furthermore, the applicant has provided detailed advice on public transport services which could be used to access the site. The application site is located in close proximity to Shirley Town Centre meaning that it benefits from good access to public transport links.

- 5.1.7 There is no demand for the facilities proposed.

Response: This is not a valid planning consideration. It is not the role of the Local Planning Authority to assess demand for a particular use in this instance. The applicant has identified a site to establish the proposed community centre. It would not be reasonable to refuse an application solely on the grounds that there is no demand for the proposed use.

Work has already begun on site.

- 5.1.8 Response: The works that are being undertaken are internal only and do not require planning permission. This was discussed at the site visit with the applicant.

This application does not vary considerably from the previously refused application (ref.14/01824/FUL).

- 5.1.9 Response: The previous reasons for refusal related to lack of information on parking and noise. The resubmitted application includes a noise report and a parking survey to overcome these previous reasons for refusal. These documents satisfy concerns relating to noise and parking stress.

The proposed use of the property as a community centre would result in anti-social behaviour.

- 5.1.10 Response: It is not considered that the proposed use would give rise to a significant increase in anti-social behaviour.

The proposal would result in a loss of light for residents whose gardens back on to the application site.

- 5.1.11 Response: The application does not include any external works and as such, it is not considered that the proposal would result in a loss of light for any neighbouring occupiers.

The proposed community centre would adversely impact on highways safety.

- 5.1.12 Response: The City Council's Highways team have raised no objection to the proposal in terms of highways safety.

A site nearer to Shirley Town Centre would be more appropriate for the proposed use.

- 5.1.13 This is not a valid planning consideration. The applicant has identified a site to establish the proposed community centre. We must therefore, assess the acceptability of the proposed use in this location.

The application does not seek permission to open on Sundays or bank holidays however it is likely that this will eventually happen.

- 5.1.14 Response: The application does not, in its current form, seek permission to open on Sundays or Bank Holidays. If permission is granted and the applicant wishes to open on Sundays or Bank Holidays, they will need to seek a variation of the condition relating to hours of operation. Such an application would be assessed by the Local Planning Authority.

A neighbour notification letter was not sent to 82 Clarendon Road.

- 5.1.15 Response: The records indicate that a letter was sent to this property on 06/02/2015.

Consultation Responses

5.2 **SCC Highways** - Since the pre-application stage, there has not been much change in the proposals or the local area to the site. Therefore my comments remain roughly the same.

In principal, this scheme is acceptable. It is difficult to argue which use will generate more vehicular trips. A 'B1' (light industry being the worst case scenario) generally create more vehicular trips on a frequent and consistent basis whereas a D1 use's trips can be less frequent but more concentrated and in this case, produce an impact in the evening.

However, the applicant has submitted an extensive parking survey which shows that there are some available parking throughout the day. In addition, there are not too many properties which front onto Henty Road which could help with the parking pressure.

The applicant has noted that there is parking along the side of the building. As it is an existing access with no known highway safety concerns (from the reported accidents map 2005-2013), it would be unfair to remove the parking but it must be conditioned that the parking should be reserved and marked for staff only. Due to the lack of on-site turning, the narrowness and poor sightlines, it is unsafe to intensify the use of the access considerably by allowing visitors to park there.

It is hard to predict the number of visitors will arrive by car but there is no clear demonstration of harm due to following considerations: the scale of the property; the surrounding area being of a dense residential nature therefore there could be a good chance that the visitors will be local and therefore may walk/cycle; the opening hours and uses; the results of the parking survey (with around 23-25 available parking on Henty Road alone) and the potential of providing some on-site parking (for staff).

To conclude, it is not clear whether the overall trips will increase or decrease from the proposed use when compared to the existing. However, it will most likely introduce more evening trips and a more concentrated during the session start/finish times. However, the parking survey suggests there is enough to accommodate a fair amount of on-street parking (survey suggests 23-25 spaces on Henty Road alone) and with little accesses/properties fronting Henty Road, the parking demand on this stretch of road may be lower than the surrounding roads.

Parking pressure is an amenity issue and not a highway safety concern, it is not to be considered in terms of highways. Therefore as an advisory, the following can be considered to reduce the potential parking impact:

- Reduce/restrict hours of use (e.g. restrict opening hours of 17:00-19:00 to allow local residents to park)
- Restrict the amount of visitors to the site at any one time
- Improve sustainable travel facilities (secure, weatherproof cycle storage)

I will be recommending approval subject to the following conditions:

- Details of cycle storage and parking facilities to be submitted and agreed upon in writing. Level of provision to be agreed upon.

5.3 **SCC Sustainability Team** – No comment.

5.4 **SCC Environmental Health (Pollution and Safety)** –

26/02/2015: I have no objection to this application, but wish to find a suitable condition to control or prevent any breakout of music from the premises. The applicant currently states the music will be kept at a reasonable level. This is far too imprecise for a condition, in which I would wish to ensure the music is inaudible at any part of the boundary of the site. This is again difficult to condition, so we need further proposals from the applicant to control the music, and is enforceable as a condition on the application.

26/03/2015: There are three points to pick up in particular.

One is the noise from the Shaolin site has been predicted at the windows of the receivers, i.e. at the adjacent houses. This does not properly take into account the noise climate in the gardens of the receiver houses.

Secondly the average ambient noise (L_{eq}) has been compared to the predicted noise level, however it appears an average ambient level has been used during the period 07:00 to 23:00. During the evening the ambient noise levels drop off to the mid to upper 30's, rather than 48 averaged over the day, so the music from the centre will become the dominant source as the evening draws in with the predicted external noise levels.

Thirdly I asked that the criteria to compare the noise from the centre to was the background L_{90} noise level, not the ambient noise level, L_{eq} so if the noise level is 10 dB below the background L_{90} noise level, the noise will be inaudible.

Of more significance is the noise level assumed in the room that the music is being played. I can't remember the applicant's description of the music level in their application, but this was to be incidental meditation music. The level assumed in this report is between 80 and 85dB(A), the sort of level that I would expect in heavy industry.

In its current form, I cannot support the conclusions of this report. If the applicant was to reduce the level of noise from their equipment assumed within this report to a level still acceptable to the applicant, to give a lower external level that can be conditioned internally, that will reduce the level of noise from the site to a level that is 10 dB below background externally, then this will be what I understand the applicant wishes to achieve.

Their noise consultant may argue that what I have set out above is too onerous, they may have an argument to some extent in some parts, but with the amount of local opposition, if the applicant wishes to continue with the levels in the report there is the risk that panel will end up refusing this application. If the resultant external noise level is 10dB below background in the evening, I shall withdraw my earlier comments and support this application in terms of noise from the music.

01/04/2015: We need to condition this as I suggested, to control the amplified music to a level of a 15 minute L_{eq} of 70dB(A) inside the building, and whilst the music is being played, for the windows to remain shut in the rooms the music is

being played in.

07/03/2015: This is the outcome I was hoping for, so yes, content for this to be conditioned.

- 5.5 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination.

Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;
- Works - onsite.

These land uses are associated with potential land contamination hazards.

There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment.

Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

To facilitate this I recommend, if planning permission is granted, the following conditions be attached;

L001
L010
L015

6.0 Planning Consideration Key Issues

- 6.1 The determining issues for this proposal relate to; (a) the acceptability of the principle of development; (b) the impact of the proposal on the residential amenities of any neighbouring occupiers; (c) the impact of the proposal in terms of highways safety and car and cycle parking.

6.2 Principle of Development

- 6.2.1 At the current time, the application site has an industrial use falling within Class B1. Such uses are not normally compatible with residential areas given the level of noise and disturbance that is associated with them and the detrimental impact that this can have on residential amenity. This proposal seeks to establish a community use (Class D1) in this location. Community uses are intended to be used by the wider community. The proposed use would provide a facility that would benefit the local neighbourhood. It would be considered a more appropriate use for a residential area than the current industrial use and would therefore, be considered acceptable in principle.

6.3 Residential Amenity

- 6.3.1 The application site is set back from Henty Road at approximately 22m, set behind

another industrial building occupied by Westway Engineering and fronting Henty Road. It is bounded to the side and rear by the rear boundaries of residential gardens serving residential properties along Clarendon Road and Shirley Park Road. A distance of approximately 22m and 14m respectively remains between the application site and the rear of the properties along these roads.

6.3.2 The community centre would be used for Shaolin and Chinese cultural activities for all ages. The activities to be undertaken would include: Shaolin Kung Fu, Tai Chi and self-defence classes in addition to wellbeing and cultural activities including meditation, calligraphy and Chinese language classes. It is anticipated that between 15 and 20 people would visit the site at any one time.

6.3.3 The applicant has indicated that the centre would operate between 09:00 and 21:30 Monday to Saturday only. It would remain closed on Sundays and Bank Holidays. More specifically, the community centre would operate as an office / headquarters for the centre between 09:00 and 16:00 Monday to Friday with Shaolin and Cultural classes and activities in operation between 17:00 and 21:30. The applicant has specified that the quieter 'wellbeing' activities would be held between 20:30 and 21:30. The specified hours of operation are considered to be reasonable. A suitably worded condition will however, be imposed to ensure that the hours of operation do not exceed these specified hours. An additional condition will ensure that only the quieter 'wellbeing' activities are undertaken between the hours of 20:30 and 21:30 in order to protect residential amenity.

6.3.4 The applicant has not indicated that they would be looking to use the external space for any of the proposed activities at any time. A suitably worded condition will however, be imposed to ensure that the outdoor area is not used in this way. Having regard to this, in addition to the separation distance with residential properties and the absence of any external alterations, this proposal is not considered likely to give rise to any adverse impacts on the residential amenities of the occupiers of nearby residential dwellings by virtue of loss of light, overbearing relationship or loss of privacy.

6.3.5 A number of representations have raised concern over the potential increase of noise and disturbance associated with the proposed community centre use. The applicant has submitted a noise report (dated 18th March 2015) to address this. Following consultation with the applicant, the Environmental Health department raise no objection to the scheme subject to a condition being imposed relating to a restriction on the volume of music being played inside the building at all times.

6.3.6 The proposed use is considered to be a more appropriate use for this location than the existing industrial use. Industrial uses tend to be noisy due to the activities associated with them. Whilst the proposed community centre would have longer opening hours than the existing use, it would be more acceptable for this location. Provided that the above conditions are imposed, the proposed use is not considered likely to give rise to any adverse impacts on the residential amenities of any adjoining occupiers. This proposal is therefore, considered to be acceptable in terms of residential amenity.

6.4 Highways Safety and Parking

6.4.1 The Highways team have been consulted on this application and raise no objection with regards to highways safety.

- 6.4.2 Trips associated with a B1 use tend to be more frequent whilst trips associated with a D1 use can be less frequent but more concentrated. In this case, trips associated with the proposed use would be concentrated during the evening, between 17:00 and 21:30 as this is the time that activities would be undertaken. The applicant has indicated that between 09:00 and 16:00, the community centre would act as an office / headquarters.
- 6.4.3 No off road parking is to be provided as part of this application. The applicant has however, undertaken a parking survey to ascertain whether there is sufficient on-road parking provision for the proposed use. A total of 6 parking surveys were undertaken along Henty Road, Clarendon Road, St Edmunds Road and Shirley Park Road. These were undertaken at the following times and with the following results:
- (a) Monday 8th December at 06:54. Parking stress greatest along Clarendon Road (79.5%) but lowest along Henty Road (24.1%). Some capacity on all roads surveyed.
 - (b) Monday 8th December at 13:27. Parking stress greatest along Clarendon Road (78%) but lowest along Henty Road (24.1%). Some capacity on all roads surveyed.
 - (c) Monday 8th December at 18:05. Parking stress greatest along Shirley Park Road (56.8%) but lowest along Henty Road (17.2%). Some capacity on all roads surveyed.
 - (d) Wednesday 10th December at 06:48. Parking stress greatest along Clarendon Road (88.2%) but lowest along Henty Road (58.6%). Some capacity on all roads surveyed.
 - (e) Wednesday 10th December at 13:59. Parking stress greatest along St Edmunds Road (64%) but lowest along Henty Road (17.2%). Some capacity on all roads surveyed.
 - (f) Wednesday 10th December at 19:11. Parking stress greatest along Shirley Park Road (76%) but lowest along Henty Road (20.7%). Some capacity on all roads surveyed.
- 6.4.4 The above information indicates that there is sufficient on road parking provision to serve the proposed development. The parking surveys were undertaken at a range of times and provide an indication of the level of parking which would be available during the evenings when it is likely that parking demand would be the greatest. Having regard to this information, it is considered that no loss of amenity would occur as a result of the proposed development.
- 6.4.5 In addition to a parking survey, the applicant has produced a travel plan for users of the community centre. This includes the following:
- (a) Driving directions for the proposed community centre.
 - (b) Details on local car parks that can be used. Visitors are advised to use the Marlborough Road pay and display car park. This is approximately a 4 minute walk from the application site.
 - (c) Details of cycle storage for those travelling by bike.
 - (d) Information on coach services.
 - (e) Information on bus services.
 - (f) Information on rail services.
 - (g) A discount for those using public transport or cycling to the site.

- 6.4.6. From the information above, it is clear that the applicant is willing to encourage users to travel to the site using more sustainable means.
- 6.4.7 The application site is located a short walk (approximately 200m) from Shirley Town Centre. It is located within an area of moderate accessibility (Band 3) on the Core Strategy Public Transport Accessibility Levels (PTAL) map. As such, it benefits from good access to public transport services along Shirley High Street. It would therefore, be possible for visitors and employees of the proposed community centre to use public transport.
- 6.4.8 The applicant has specified that 6 cycle parking spaces would be provided. In the absence of sufficient information regarding these, a suitably worded planning condition will be imposed to ensure that the cycle storage provided is acceptable.
- 6.4.9 Having regard to the issues discussed above, it is not considered that the proposed use would give rise to an adverse impact on residential amenity in terms of car parking for nearby residents. As such, this proposal is considered acceptable.

7.0 Summary

- 7.1 In light of sufficient information relating to noise and car parking, it is considered that the proposed use would be acceptable. It is also considered that sufficient measures can be implemented through planning conditions to ensure that the impact of the proposed use can be mitigated.

8.0 Conclusion

- 8.1 Having regard to the issues discussed previously, it is considered that this proposal is acceptable.

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

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

LAUGRI for 21/04/15 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

2. 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.

3. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the for bicycles to be stored and for cycle stands to be made available for visitors to the site as specified hereunder. The cycle stores and stands hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

4. APPROVAL CONDITION - Hours of Operation

The site shall be closed and vacated by members of the public between the hours of 21:30 and 09:00 Monday to Saturday and at all times on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

5. APPROVAL CONDITION: SCHEDULE OF ACTIVITIES

Between the hours of 20:30 and 21:30, Monday to Saturday, only quiet, 'wellbeing' activities including meditation, shall be undertaken unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

6. APPROVAL CONDITION: MUSIC RESTRICTION

At no time shall amplified music inside the building exceed a 15 minute Leq of 70dB(A) unless otherwise agreed in writing by the Local Planning Authority. All windows and doors to the rooms in which the music is being played shall remain closed at all times while music is being played.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

7. 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
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

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

8. 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.

9. 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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS19 Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP5 Parking

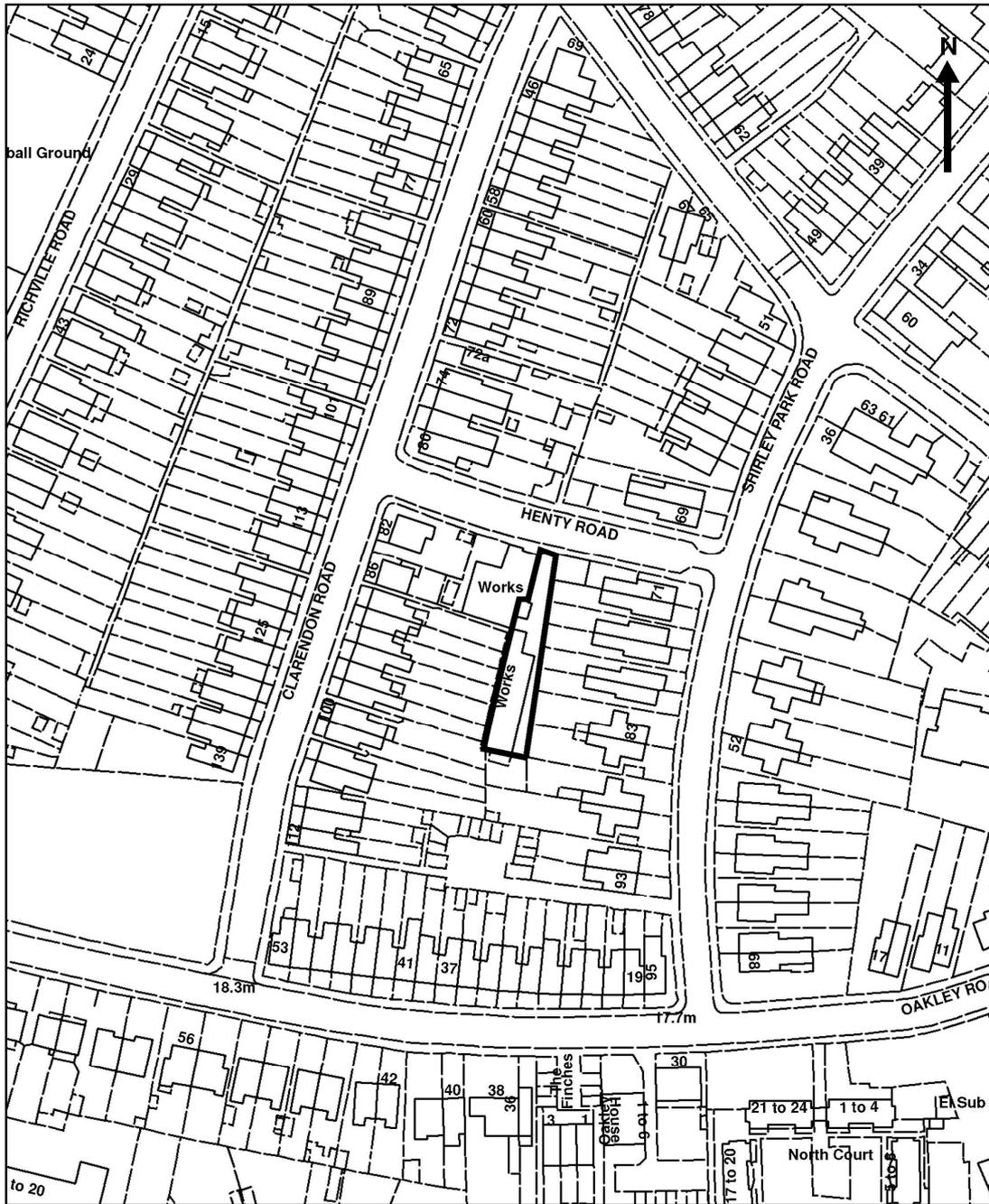
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

15/00145/FUL



Scale: 1:1,250

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Agenda Item 6

**Planning, Transport and Sustainability Division
Planning and Rights of Way Panel (West) 21/04/2015
Planning Application Report of the Planning and Development Manager**

Application address: 52-54 Waterloo Road			
Proposed development: Redevelopment of the site. Demolition of the existing building and erection of a three storey building to provide 10 flats (eight x one bedroom, one x studio apartment and one x three bedroom) with associated parking and other facilities.			
Application number	14/02077/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	18/03/2015	Ward	Freemantle
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Parnell Shields Moulton
Referred by:	Cllr Moulton	Reason:	Parking pressure

Applicant: Kossway	Agent: Achieve - Town Planning And Urban Design Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on neighbouring amenity (including on street parking pressure), quality of the residential environment and impact on the character of the area have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, CLT6, H1, H2, H3 and H7 of the City of Southampton Local Plan Review (March 2006) and CS3, CS4, CS13, CS15, CS16, CS19, CS20, CS22 and CS25.

Appendix attached	
1	Development Plan Policies
2	Site History

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);

ii. 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. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

iv. An obligation to preclude future residents being issued with car parking permits.

v. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (March 2006), CS22 of the Core Strategy and the Planning Obligations SPD (September 2013).

2. In the event that the legal agreement is not completed by 21/04/2015 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 currently contains Freemantle Social Club located on the southern side of Waterloo Road near to the junction with Park Road. The existing building is part two storey and part single storey in height, flat roofed and constructed of red brick. The frontage of the site is hard surfaced where there is the opportunity to park four vehicles although it appears that refuse is also stored to the front of the building thus rendering one of the spaces un-usable. The existing footprint of the building covers the vast majority of the site and flank walls of the building are on or very close to the boundary with its neighbours.

- 1.2 To the east there is a block of 14 flats known as 6 Park Street, most of which is three stories in height however there is also a small two storey element. The plans indicate that the windows serving the development and overlooking the application site (facing west) serve communal circulation space and non-habitable rooms, however there are two bedroom windows at ground and first floor located at the southern tip of the two storey element. Communal amenity space serving the development is located to the west of the building and thus is positioned between 6 Park Street and 52 -54 Waterloo Road.
- 1.3 To the west of the application site is a part two storey/part single storey semi-detached dwelling house. To the south of the site is a terrace of two storey maisonettes. Whilst the area is mainly residential in character there are also a small number of industrial and commercial premises located on Park Road nearby the site.
- 1.4 Most residential buildings in the area have two stories, front the streets they are accessed from and have private gardens to the rear.

2 Proposal

- 2.1 The proposal represents a redevelopment of the site. As a consequence the building would be replaced by a three storey block of residential flats, (eight x one bedroom, one x studio apartment and one x three bedroom). Four off road car parking spaces are proposed to the front and there will be integrated refuse and cycle storage facilities. To the rear a shared garden area is proposed. A small private garden for flat number 3 is also proposed to the front.
- 2.2 The entrance to the block is located on the front elevation and access is achieved by a small porch/lobby area.

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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 In 2014 planning permission was refused for the redevelopment of the site and construction of a three storey residential block (14/00263/FUL). The building

sought to provide 11 flats (eight x one bedroom three x two bedroom) with associated parking. The application was refused under delegated powers on the basis that the scheme was considered to be an over development of the site and also due to the failure of the applicant to enter into a Section 106 legal agreement with the Council. Full details of the previous scheme including relevant plans and reasons for refusal are included as **Appendix 2** of this report.

- 4.2 The neighbouring development '6 Park Road' was granted in 2007. The development consisted of the redevelopment of the site by the erection of a part two-storey and part three-storey building to provide 14 two-bedroom flats with access from Park Road following the demolition of the existing public house. Four parking spaces have been provided on the site (07/00027/FUL).

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, placing a press advertisement (**09/01/2015**) and erecting a site notice (**09/01/2015**). At the time of writing the report 15 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Parking pressure

- Insufficient parking spaces are proposed.
- Area is controlled by parking permit zone.
- Cycle parking and public transport are insufficient to address the onsite shortfall.
- Highways safety.

Response:

- The Highways Development Management Team are satisfied that the development, with the imposition of relevant conditions, will not lead to harm to highways safety.
- A parking survey has been provided by the applicant to assess local parking stress.
- A car parking permit restriction has been added to the Section 106 legal agreement preventing occupants of the flats from being able to obtain parking permits within nearby streets.
- The impact caused by additional parking pressure needs to be balanced against the positive aspects of the scheme.

5.3 Overdevelopment of the site

- Size of the development and number of flats seems extremely large given the footprint of the site.
- Insufficient amenity space.

Response:

- The site can accommodate the proposed number of residential units, each dwelling has an acceptable living environment and access to adequate garden space which is fit for its intended purpose.

5.4 Impact on neighbouring amenity

- Overlooking of neighbouring houses and gardens leading to harmful loss of privacy.

- Visual impact of the building - bulk mass and scale.
- Increased noise and disturbance.

Response:

- Separation distances meet the requirements set out in the Residential Design Guide.
- Whilst the proposed building would be slightly taller than the existing building the proposed building would be shorter and therefore further from the rear boundary of the site. The building is also not full width at the front. Visual impact will not be significantly worse than the existing.
- The proposal provides the opportunity to replace an existing building that is in a poor state of repair and replace it with a building of improved visual appearance.
- Regarding noise the behaviour of the occupants is the main determining factor regarding the potential for noise to disturb neighbours. The level of occupation proposed is not considered to directly cause harm to neighbours through general day to day activity.

5.5 Specific impact on Dymott Close

- Rear access will encourage occupants to use Dymott Close private residential parking spaces.

Response:

- A rear access is not proposed. Unlawful parking of vehicles is managed through separate legislation.

5.6 Poor design

- Harmful to the character of the area which is characterised by two storey homes.

Response:

- The three storey scale of the building responds to the neighbouring building at 6 Park Road however the scale is clearly greater than the prevailing two storey character of the area. Further consideration of scale and design will be made below.

5.7 Number of one bed units proposed

- One bed units are not in keeping with the local neighbourhood

Response:

The provision of one bed units meets the policy requirement for the development.

5.8 Maintenance

- Neighbouring flatted block is poorly managed/maintained

Response:

- The maintenance of a building cannot be controlled by the Council under planning legislation however the control of materials via condition can prevent the use of poor materials which are likely to weather and fail over time.

5.9 Loss of community facility

- Loss of the Social Club will harm local amenity.

Response:

- The maintenance costs of the Social Club have been rising whilst the number of members attending have been in decline. Therefore the decision has been made to sell the site. As such there would appear to no longer be a demand for the club or sufficient funding to ensure continued economic viability.

- There are also adequate community centres locally which enable the amenity offered at the social club to re-locate.

5.10 **Consultation Responses**

5.11 **Planning Policy** - The Council will not be opposing the development on the basis of lack of a community facility.

5.12 **SCC Highways** - No objection on highways safety grounds. The impact of the proposed accommodation may cause increased parking pressure within the local area. If additional parking pressure occurs the impact will be on local residential amenity rather than highways safety. The cycle rack proposed is not a preferred option and therefore a condition is requested to seek alternative storage arrangements. Conditions are also required to prevent harm to the highway network during construction.

5.13 **SCC Conservation and Heritage** - There is the potential for archaeology on the site. It is therefore recommended that, in the event planning permission is granted conditions are applied.

5.14 **SCC Sustainability Team** – If the case officer is minded to approve the application conditions are recommended in order to ensure compliance with policy CS20.

5.15 **SCC Ecology** – The site consists of a building and area of hard standing which have negligible biodiversity value. Within the building there is a negligible likelihood of bat roosts being present. No objection subject to an informative regarding protection of nesting birds. The Ecologist encourages the use of a green roof to optimise PV performance.

5.16 **SCC Environmental Health (Pollution and Safety)** - No objection subject to the imposition of recommended conditions.

5.17 **SCC Environmental Health (Contaminated Land)** - The proposed land use is sensitive to the effects of land contamination and there are historic potentially contaminating land uses nearby therefore conditions are requested to assess the site for land contamination risks and, where appropriate, remediate the land to ensure the long term safety of the site.

5.18 **SCC Housing** - The scheme is now under the affordable housing threshold following the changes to National Planning Policy Guidance.

5.19 **Southern Water** – Formal application is needed to enable connection to the public sewer. Also a planning condition is requested to secure the proposed means of foul and surface water sewerage disposal.

5.20 **CIL** - The development is CIL liable as there is a net gain of residential units. The existing building is still in use, therefore the current floor space will be deducted from the floor space of the proposed building when the CIL liability is calculated.

6 **Planning Consideration Key Issues**

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

- principle of the development;
- impact of the building on the character of the area;
- quality of the residential environment produced for prospective residents;
- impact on the amenities of neighbouring residents; and
- highways, parking and access.

Whilst considering the key issues above reference must also be made to the previous scheme noting, in particular, the previous reasons for refusal.

6.2 Principle of Development

- 6.3 The principle of redeveloping the site for residential purposes is not opposed by policy.
- 6.4 The loss of the private club and conversion to residential use is not judged to amount to the loss of a community facility and therefore the scheme is not contrary to paragraph 70 of the NPPF.
- 6.5 The site is being redeveloped as the maintenance costs of the building have become unaffordable as membership has been in decline in recent years. The applicant also considers that the use of the club is different to a community centre where typical community use facilities are found and Officers agree. In order to make the assessment the case officer attended a site meeting where it became apparent that the building is in a poor state of repair. The nature of the use was investigated and it is now agreed that the use is more akin to a public house with private events rather than a typical community centre. The Council's Planning Policy Team also agree. Research has also found that there are adequate facilities in the area for community use and the building has not been listed as a community facility.
- 6.6 It is also noteworthy that objectors to the scheme have not raised the loss of the facility as a significant local concern. There is little public interest in the matter.
- 6.7 Policy H1 (iii) of the Local Plan supports the redevelopment of commercial premises (where appropriate) to provide residential uses and the Council's normal considerations in respect of quality of development, protection of the character of the area and the amenities of neighbouring occupiers apply as required by Policies SDP1, SDP7 and SDP9. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development.
- 6.8 Policy CS5 of the Core Strategy sets a minimum density of 100 dwellings per hectare for new residential development in high accessibility areas. The area of the site proposed for development is 1283 sq.m (0.13 ha). With the addition of 10 dwellings the density would be 230 units per hectare. The scheme therefore meets the Council's density requirements.
- 6.9 The site is within a high accessibility area and therefore density of over 100 dwellings per hectare is acceptable (Policy CS5) however local context and character will also determine the acceptability of the scheme. 10 flats within 0.058ha gives a density of 172 dwellings per hectare. The neighbouring site (6 Park Road) gives a density of 133 dwellings per hectare (14 flats within 0.105 ha).

- 6.10 Impact of the building on the character of the area.
- 6.11 The scale, mass, bulk and site cover of the proposed building is not typical of residential properties in the immediate area. However the existence of the 6 Park Road development and the scale of the existing building on the application site at present leads officers to consider that on balance the proposed height and roof form of the scheme would not be viewed as an incongruous addition to the street scene.
- 6.12 Paragraph 3.9.1 of the RDG states that the footprint to plot ratio for new dwellings should be similar to that of existing nearby dwellings and not exceed 50% of the site. Hard surfacing does not exceed 50% of the site area. The footprint to plot ratio for the development falls somewhere between that of the semi-detached pair of dwellings to the west and the flatted block at 6 Park Road to the east. It is also noteworthy how the proposed footprint is considerably smaller than the footprint of the existing building on site.
- 6.13 Policy CS13 of the adopted Core Strategy emphasises the need for development to respond positively and integrate with its surroundings, character and architectural vernacular. In terms of storey height, eaves level, proportions and setbacks the proposal provides a suitable visual connection with the surrounding buildings.
- 6.14 Traditionally amenity space is also positioned to the rear of dwelling houses and the surrounding area conforms to this layout. The revised position of the building on the site and site coverage has resulted in a layout that no longer fails to respect the established residential pattern of development notwithstanding the private garden proposed to serve flat 3 not being located to the rear. The private garden for flat 3 is justified by its relatively small size and position away from the pavement edge and proposed front building line.
- 6.15 The proposal now includes a main entrance to the flats on the front elevation of the building and front boundary treatment required to enclose the private garden allocated to flat 3 which is now set back from the front building line.
- 6.16 Quality of the residential environment produced for prospective residents
- 6.17 The garden areas provided are judged to be fit for their intended purpose and of sufficient scale. The shared garden would be located to the rear of the building and defensible space would be provided to protect the amenities of the occupants of the ground floor flat. The required 10m rear garden depth identified within the RDG would now be achieved. The private garden for the occupants of flat 3 would also provide outside garden space that is deemed acceptable.
- 6.18 The proposed residential development is within walking and cycling distance of a range of local facilities and services with good access to public transport.
- 6.19 The privacy experienced by residents will be acceptable. Where windows are positioned in the flank walls of the building obscure glazing shall be incorporated (controlled by condition) to prevent harmful inter-looking.
- 6.20 The accommodation will also receive acceptable daylight and outlook will be achieved from habitable rooms.

- 6.21 Impact on the amenities of neighbouring residents
- 6.22 Separation distances, as set out in the RDG, to the dwellings to the rear of the site are now achieved and thus privacy of neighbouring residents, particularly those within the properties of Dymott Close who live directly behind the site, will not experience a significant loss of privacy as a consequence of the development.
- 6.23 Notwithstanding the small increase proposed to the height of the building the reduced depth is judged to reduce the visual impact of the building on site when compared to the existing one. The building, due to its scale, mass and bulk; and proximity to neighbouring buildings, will therefore not appear harmful to neighbouring amenities. The proposal will not cause excessive shading, appear overbearing or dominant.
- 6.24 The Council also acknowledge that the existing use of the building, as a social club, has the potential to generate noise and disturbance to the detriment of local residential amenity.
- 6.25 Highways, parking and access
- 6.26 Amended plans have been received to overcome the initial concerns of the highways team. There are no highways safety reasons to refuse the scheme subject to conditions.
- 6.27 As there are objections regarding parking pressure and potential overspill, a parking survey has been requested and submitted (in the form of the Lambeth model). The survey demonstrates that the 19 available spaces shown are scattered throughout the assessment area and comes close to breaching the maximum capacity of the on-street parking in the area. The proposed development consists of 10 units with different addresses meaning each address will be eligible for a parking permit. Much of the parking in the area is restricted by permit parking and therefore any increase in the number of permits issued could affect the demand of these bays. However, this can be mitigated by ensuring that the occupants of the new flats would not be eligible for parking permits. This can be managed through the section 106 legal agreement.
- 6.28 Furthermore it is a common misconception that the occupants of each dwelling in the City will be a car owner. Whilst it is reasonable to state that car ownership cannot be predetermined with accuracy it is noteworthy that the site is located within a high accessibility area where car ownership is not necessary to access shops and amenities associated with Town/City Centres. Whilst the current car parking situation is acknowledged whereby parking is raised by local residents as one of the main concerns the positive aspects of the proposal outweigh the negative.
- 6.29 The provision of four parking spaces to serve the 10 dwellings complies with the Council's adopted maximum car parking standards and the Highways Team have not opposed the parking, servicing or access arrangements.

6.30 The Council have also had consideration to the existing use of the site when coming to this conclusion. The level of car parking generated by the club during the evening when there are functions attracting members of the public from a wide catchment. Currently members of the club travel from as far afield as Totton, Shirley Warren and Woolston , many of which relying on private motor vehicles to travel to the club. The club also hosts Darts and Cribbage competitions and matches with competing clubs having to travel to the site again many of which choosing to use private vehicles and therefore needing to use on-street parking. Existing use also has the potential to generate high traffic volume.

7 Summary

- 7.1 The proposal involves the re-use of previously developed land within urban Southampton and will result in both a more efficient use of land and provide a potentially more compatible use within the neighbourhood than the existing social club.
- 7.2 The site is appropriate for residential use given that it is located within a high accessibility area and accordingly has good access to public transport and local facilities such as shops, schools, employment and community facilities.
- 7.3 Impact on local amenity, including the residential amenity enjoyed by the local occupants, has been considered and carefully minimised. The amenity enjoyed by the proposed occupants will be acceptable.

8 Conclusion

- 8.1 Having considered the revised scheme in detail and having examined the previous reason for refusal it is judged that the current proposal has adequately overcome the previous concern raised, as such the development is recommended for approval subject to conditions.

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. (g) 6. (a) (c) (f) (i) 7. (a) 9. (a) (b)

MP3 for 21/04/2015 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 - 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.

03. APPROVAL CONDITION, Foul and surface water sewerage disposal - Pre-commencement Condition.

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

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

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples to be used for external walls, windows, doors, bin storage areas, boundary treatment 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.

05. APPROVAL CONDITION - Landscaping, lighting and means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The

Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

06. APPROVAL CONDITION ' Archaeological watching brief with Provision for Excavation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

07. APPROVAL CONDITION ' Archaeological watching brief with Provision for Excavation *work programme* [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

08. 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).

09. 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).

10. APPROVAL CONDITION - Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'Greening the City' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

11. 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.

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 - 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.

14. 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.

15. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason: To protect the amenities of the occupiers of existing nearby properties.

16. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason: To protect the amenities of users of the surrounding area.

17. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason: To protect the amenities of the occupiers of existing nearby properties.

18. 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
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.

19. 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.

20. APPROVAL CONDITION - Unsuspected Contamination [Performance Condition]

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

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

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

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

21. APPROVAL CONDITION - Glazing panel specification (Pre Occupation Condition).

The windows on the flank side wall elevations (facing east and west) serving the flats hereby approved shall be glazed in obscure glass and shall be non-opening or shall be top hung opening only above a level of 1.7m from the floor area of the room to which it serves. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently retained in that form.

Reason: To protect the privacy enjoyed by the occupiers of the adjoining properties.

22. APPROVAL CONDITION, Refuse and Recycling and Bicycle Storage [Pre-Commencement Condition]

Notwithstanding the approved plans before the works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises and for the secure storage of at least 10 bicycles, shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall 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 and to encourage cycling as an alternative mode of transport.

23. APPROVAL CONDITION - Private amenity space [Pre-Occupation Condition]

The approved private amenity space shall be laid out and separated as approved in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.

Reason: To ensure that satisfactory amenity space is provided for each resident of the hereby approved flats.

24. APPROVAL CONDITION - On site vehicular parking [Pre-Occupation Condition]

The approved vehicular parking spaces and front boundary treatment shall be constructed in accordance with the approved plans prior to the first occupation of any of the hereby approved flats. Such facilities as approved shall be permanently retained for that purpose.

Reason: To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced and in the interests of highways safety.

Informatives:

Nesting Birds:

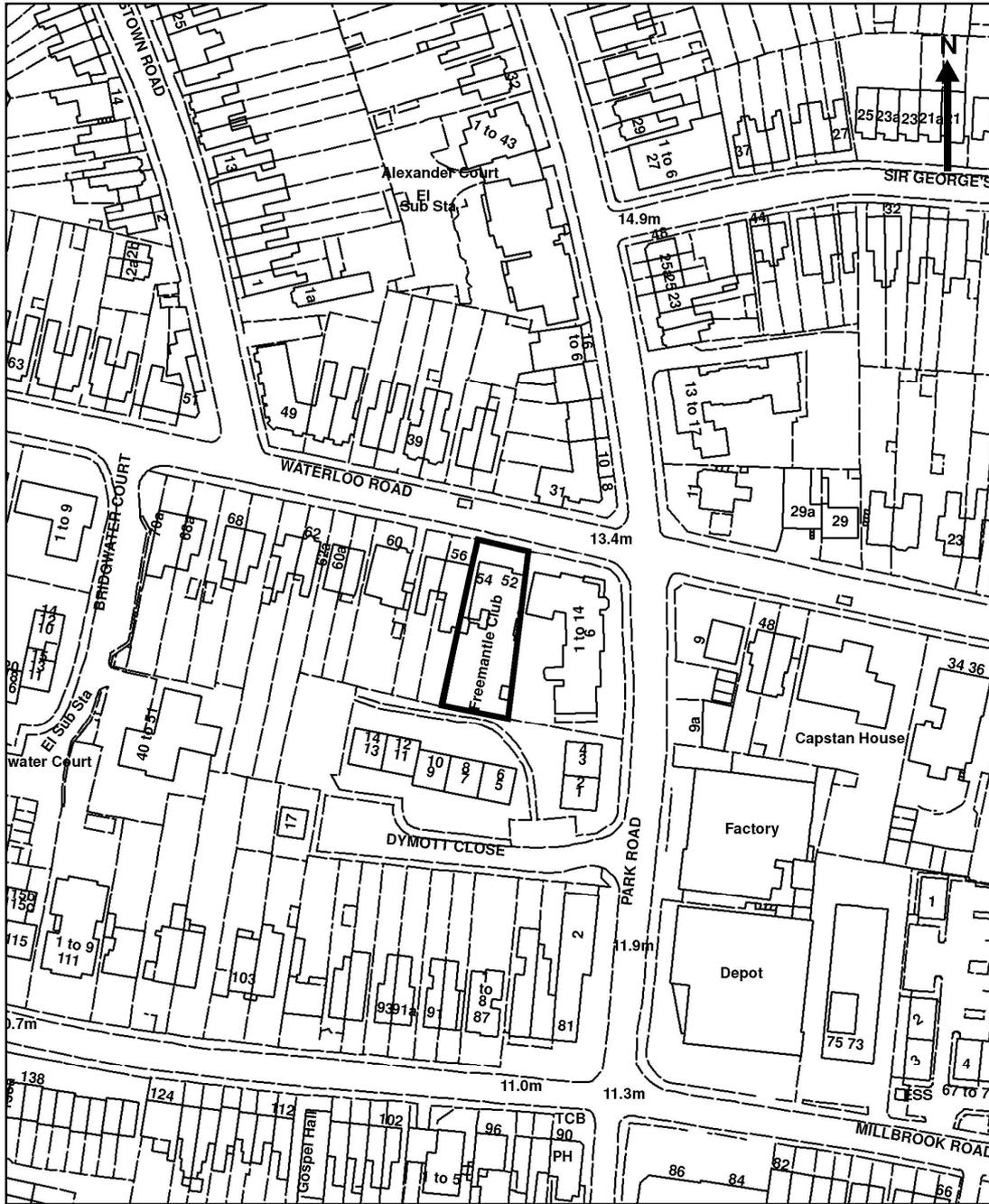
The existing flat roof may be attractive to nesting birds. All nesting birds receive protection under the Wildlife and Countryside Act 1981 (as amended). Care should therefore be taken with demolition which should ideally occur outside the breeding season which runs from March to August inclusive. If this not be possible, the roof should be inspected immediately prior to demolition however, if active nests are present demolition must be delayed until after the chicks have fledged.

Connection to the public Sewer:

A formal application for connection to the public sewage system is required in order to service this development, please contact Southern Water Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119).

www.southernwater.co.uk

14/02077/FUL



Scale: 1:1,250

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Application 14/02077/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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

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Application 14/02077/FUL

Relevant Planning History

14/00263/FUL - Redevelopment of the site. Demolition of the existing building and erection of a 3 storey building to provide 11 flats (8 x 1-bedroom 3 x 2-bedroom) with associated parking and other facilities.

REFUSAL REASON - Overdevelopment of the site

By reason of the proposed residential density, footprint of the residential building and its bulk, scale and mass, the scheme is judged to be out of context and character with the immediate area taking into account neighbouring development and represents an over-intensive and un-neighbourly form of development which would also create an unacceptable residential environment. In particular the development is considered unacceptable due to the following design issues:

- i) The close proximity of the proposed building to 6 Park Road results in an unreasonable relationship which would create an overbearing and over dominant development when viewed from the amenity space of 6 Park Road.
- ii) The position of habitable room windows in the south and east sides of the proposed building would lead to overlooking of neighbouring garden space.
- iii) The separation distance between habitable room windows in the rear elevation of the proposed building and those serving properties on Dymott Close would harm privacy currently enjoyed by neighbouring occupants.
- iv) The proposed footprint of the building and layout on the site does not reflect the established residential character of the area and results in garden space that is not fit for its intended purpose.
- v) The primary access point to the block will not be on the front elevation of the building which would be to the detriment of the character and appearance of the building in the street scene.
- vi) Insufficient defensible space in front of habitable room windows at ground floor level will result in a poor residential environment for the occupants of the ground floor flats through inadequate privacy. Front facing habitable room windows are proposed to be directly adjacent to the vehicular parking spaces and as such in the absence of defensible space in front of them, occupiers of those flats will suffer from lack of sufficient privacy and from the impact of vehicular movements in particular headlights and noise.
- vii) Boundary treatment positioned on the front building line of the property and used to separate the private garden from the frontage is contrived and would harm the character of the street scene.

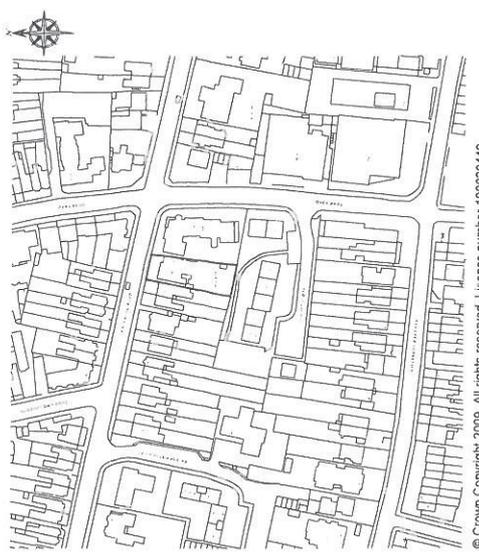
The proposal is therefore contrary to 'saved' policies SDP1 (i), SDP7 (i) (v), SDP9 (i) (v) and H2 (iii) of the City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) namely, sections 3.2.2, 3.2.4, 3.2.5, 3.7.1, 3.8.8, 3.9.1, 3.10.24,, 4.4.1, 4.4.3, 4.4.4.

Reason for Refusal - Lack of Section 106 agreement to secure planning obligations.

In the absence of a Section 106 agreement the development fails to mitigate its impact in the following areas:

- 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 SPG relating to Planning Obligations (August 2005 as amended).
- ii. The provision of affordable housing in accordance with Policy CS15 of the Core Strategy.
- iii. The lack of control on future residents obtaining parking permits to the Council's Controlled Parking Zones.
- iv. 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.
- v. Contributions towards the Carbon Offset Fund as required by Policy CS20 of the Core Strategy.

APP 2A



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 LOCATION PLAN
 (1:1250)



x 44.99 EXISTING GROUND LEVELS

158.75 PROPOSED GROUND LEVELS



INDICATIVE PROPOSED PLANTING

PLANNING	
1	2
3	4

ASCOT DESIGN
 Architecture
 Building House 2001 199 Street, Kew, Middlesex, E8 5NF
 Tel: 0208 899 0000 Fax: 0208 899 0001
 www.ascotdesign.com

KOSSWAY AUTOMATICS

FREEMANTLE SOCIAL CLUB,
 WATERLOO ROAD, SOUTHAMPTON

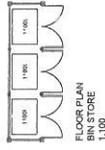
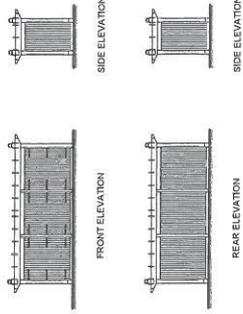
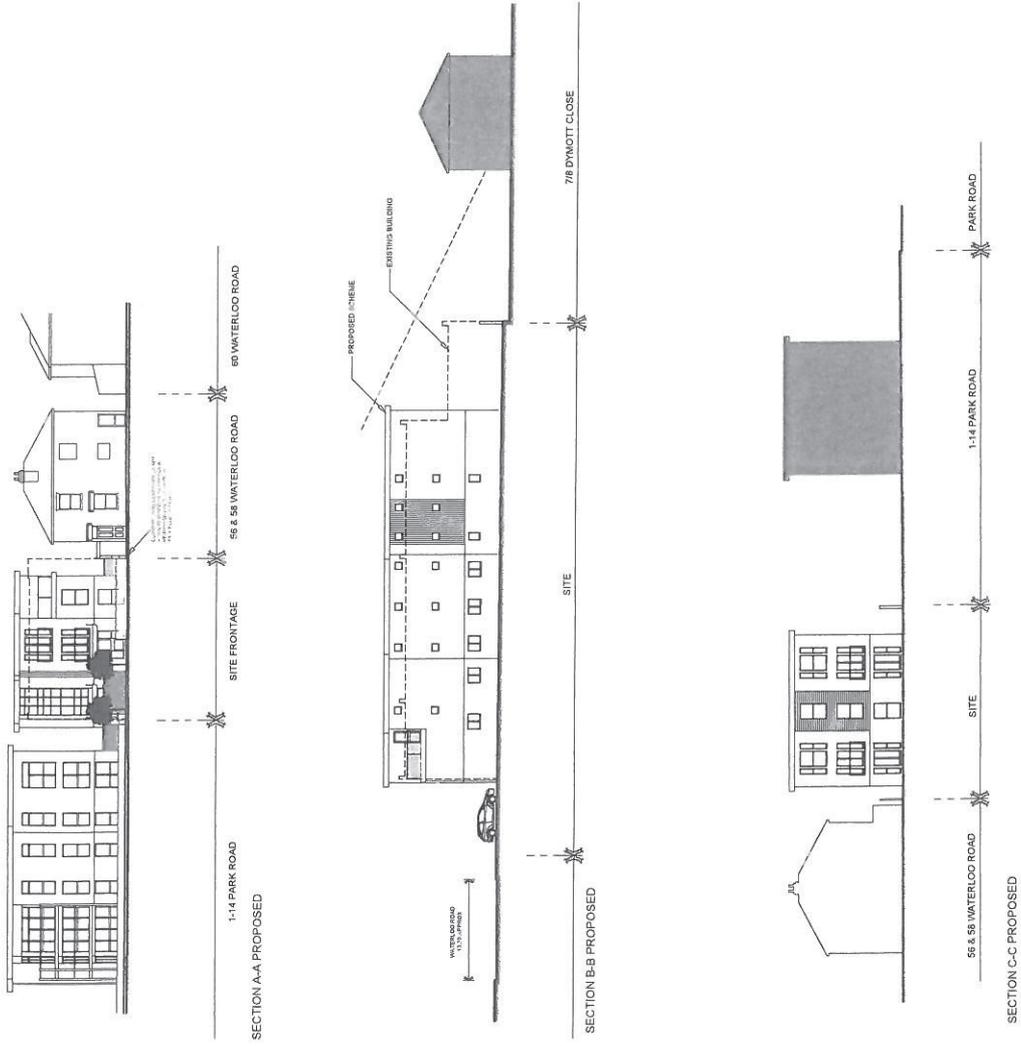
SITE LAYOUT & LOCATION PLAN

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APP 2 B.



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STREET SCENE, SITE SECTION AND BIN STORE	
Date: 1:100 & 1:200 @ A1	Date: JAN 14
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Agenda Item 7

**Planning, Transport and Sustainability Division
Planning and Rights of Way Panel (West) 21st April 2015
Planning Application Report of the Planning and Development Manager**

Application address: 29 Janson Road			
Proposed development: Change of use to a large house in multiple occupation (retrospective).			
Application number	14/01959/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	19/01/2015	Ward	Shirley
Reason for Panel Referral	Five or more letters of objection have been received	Ward Councillors	Cllr Coombes Cllr Kaur Cllr Chaloner

Applicant: Mr Dosanjh	Agent: Sanders Design Services Ltd
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The proposed development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application site is located within a predominantly residential area. It would provide an appropriate standard of accommodation for residents. This proposal would contribute to the city's housing need and would have an acceptable impact in terms of residential amenity, impact on the character of the wider area and highway safety and meets the requirements of the Council's adopted Housing in Multiple Occupation SPD (2012). This scheme is therefore, judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should subsequently be granted

Policies - SDP1, SDP7, SDP10, of the City of Southampton Local Plan Review (March 2006); CS4, CS16, and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010); the HMO SPD; and the Parking Standards SPD.

Appendix attached			
1	Development Plan Policies	2	HMO Calculation

Recommendation in Full

Conditionally approve

Panel Update

This application was deferred at the Planning and Rights of Way Panel on the 24th March to enable the applicant to provide additional information on how the property was occupied prior to its use as a sui generis HMO for seven people.

This property began being occupied by seven people in 2011. This is supported by the following information:

- A HMO license for a maximum of seven people was granted by the City Council's Private Housing team on the 23/03/2011.
- The roof space of this property was converted to provide an additional bedroom. Planning permission was not required for this however the applicant was required to meet building regulations. The City Council's Building Control team signed off this conversion on the 26th October 2011.

The tenancy agreements submitted indicate the following:

- Room one has been occupied since the 28th March 2010 to the current day. The current tenancy agreement expires on the 7th June 2015.
- Room two has been occupied since the 1st March 2010 to the 5th April 2015.
- Room three has been occupied since the 1st March 2010 to the current day. The current tenancy agreement expires on the 12th April 2015.
- Room four has been occupied since the 1st March 2010 to the current day. The current tenancy agreement expires on the 31st August 2015.
- Room five has been occupied since the 1st March 2010 to the current day. The current tenancy agreement expires on the 28th June 2015.
- Room six has been occupied since the 28th November 2010 to the current day. The current tenancy agreement expires on the 7th June 2015.
- Room seven has been occupied since the 21st March 2011 to the current day. The current tenancy agreement expires on the 12th June 2015.

To summarise, rooms one to six have been occupied since March / November 2010. Room seven has been occupied since March 2011.

Class C4 (HMO) was introduced on the 6th April 2010 (Town and Country Planning (Use Classes) (Amendment) (England) Order 2010). In light of the above information, it can be judged that up until March 2011, the lawful use of this property was as a Class C4 HMO by six people. It was on the 21st March 2011 that this use changed to a Sui Generis HMO for seven people.

As such, the assessment that is required is whether the impact of one additional person at the property over and above that of its lawful use as a Class C4 HMO for six people would be considered harmful.

1.0 The site and its context

- 1.1 The application site is a two storey semi-detached dwelling house located on the south side of Janson Road. This property is located within a predominantly

residential area, although Janson Road leads onto Shirley Road and its local shops, facilities and transport links.

2.0 Proposal

- 2.1 The application property is currently occupied as a Sui Generis House in Multiple Occupation (HMO) and has been licensed as such since March 2011. Retrospective planning permission for this use is now sought and, following the submission of an amended plan to reduce the occupancy the property would comprise a kitchen, lounge, lobby and two bedrooms at ground floor level; four bedrooms and a bathroom at first floor level; and 1 bedroom within the roof space (ie. seven bedrooms in total).
- 2.2 There is an area of hard standing to the front of this property however this does not benefit from access via a dropped kerb.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The application falls to be determined against saved Local Plan Policy H4 and the Council’s current HMP SPD (2012). A full list of the most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 In 2011, conditional approval (ref.11/01600/FUL) was granted for the construction of a single storey rear extension. In 2014, the Planning Enforcement team investigated this property following a complaint regarding unauthorised use. At this time, it was found that the property was occupied as a Sui Generis HMO.

5.0 Consultation Responses and Notification Representations

- 5.1 At the time of writing the report **seven representations** have been received from surrounding residents (including two representations from 27 Janson Road next door). The following is a summary of the points raised:
- 5.2 The surrounding area is characterised by single family properties and the proposed use would be contrary to the character of the area.

Response:

The character of the area is residential. However, the HMO SPD discusses the need to support mixed and balanced communities whilst meeting the City’s housing need. It is accepted that concentrations of HMOs can harm the character of an area and the SPD seeks to manage the growth and location of new HMOs. The

Planning Considerations section of this report provides further analysis with regards the impacts of the proposed HMO in this context.

5.3 The proposed use would place extra pressure on local services.

Response:

The application site is located in close proximity to Shirley Town Centre (approximately 180m away from Shirley High Street). This town centre is intended to meet the needs of those living in close proximity. The application is not considered likely to place additional strain on local services within the district centre.

5.4 The proposed change of use would constitute an overdevelopment of the property.

Response:

It is not considered that the character of the area would be significantly affected by this proposal. Amended plans have been received to ensure that the seven residents have access to a communal kitchen and lounge area, which can be accommodated within the property without further building works. As room sizes are appropriate and such communal living is achievable the scheme is not considered to represent an over-intensive use of the building.

5.5 The proposed use would exacerbate existing parking pressure in the area.

Response:

The highways team have indicated that there would not be a safety issue by allowing a large HMO in this location with nil on-site parking. A parking survey has been provided to explain the impact on any potential overspill. The results were collated in the early hours of 11th and 12th February 2015 and reported an 84% parking stress. This demonstrates that there is sufficient parking within the surrounding area to accommodate the proposed use. Furthermore, this property benefits from excellent access to public transport services due to its proximity to Shirley Town Centre (approximately 180m away from Shirley High Street) and it would be possible for residents to live in this location without the need for car ownership. Furthermore, as the property is currently occupied the parking requirements of the development are already accounted for in these parking surveys.

5.6 The proposed use would give rise to increased noise and disturbance for neighbouring occupiers.

Response:

The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwelling house. Any noise and disturbance following the grant of permission can be dealt with using other statutory powers

5.7 The shed within the rear garden could potentially be used to occupy additional residents.

Response:

Having undertaken a site visit to the property, it is clear that the outbuilding within the rear garden is intended for cycle storage / general storage purposes only. A number of representations have suggested that this building could potentially be used to provide additional living accommodation. Planning permission would be required to use this outbuilding for residential purposes. Such an application would be unlikely to be supported. As such, this cannot form a consideration in the determination of this application.

5.8 The owner of the property has started construction works prior to the determination of this application.

Response:

Works to construct the rear extension at this property are nearing completion. Permission was granted for this extension in 2011 (ref.11/01600/FUL) and the applicant is perfectly within their right to construct this approved development. The construction of this extension does not form part of this application. As such, this cannot form a consideration in the determination of this application.

5.9 Permission was previously granted for a rear extension. At the time, it was indicated that this would be to extend the kitchen however this is now shown as two additional bedrooms.

Response:

The approved plans for the permitted extension (ref.11/01600/FUL) indicate that part of the extension would comprise a dining room while the remainder would enlarge the existing lounge. The previous scheme granted permission for a single storey rear extension. How this is used internally did not form a matter for consideration at this time as internal works do not require planning permission. Initially, this application (ref.14/01959/FUL) indicated that the extension previously approved would be used to accommodate two bedrooms. This has however been amended through negotiation with the applicant. As such, this approved extension will now accommodate a lounge and one additional bedroom. Using this extension to accommodate a bedroom and a lounge will be considered as part of this new application.

5.10 The previous loft conversion has been carried out without planning permission.

Response:

The loft of this property has been converted to provide additional living accommodation. The only external alteration to facilitate this has been the installation of two roof lights; one within the rear roof slope and one within the side roof slope. To constitute permitted development the side roof light should be obscure glazed and non-opening however it is clear glazed at the current time. The applicant has been informed of this. This does not however form a determining issue for this application and should not form a reason for refusal.

Consultation Responses

5.11 **SCC Highways – No objection**

The parking survey in my opinion is acceptable. There is a slight lack of photos but as the survey suggest that the on-street parking is near or around full capacity, I do not think more photos would be beneficial. Regarding the dropped kerb application, I personally cannot see how this would work as the site does not have a lot of depth

to accommodate a standard parking space (2.4m x 5m). Plus there are various street furniture along the frontage i.e. lighting column, power/meter box and road sign. Even though the survey suggests that there are not many available on-street spaces available any overspill will cause harm to amenity for the local residents rather than highway safety. However, it is difficult to clearly prove which use (C3 of HMO) will generate more vehicular trips/parking demand and this should not form a reason for refusal in this instance.

5.12 **SCC Housing – No objection following receipt of amended plans**

As a side note, the applicant should be reminded that the Council doesn't encourage the use of fire extinguishers in HMOs as tenants aren't trained to use them and they tend to be misused. The only fire-fighting equipment should be a fire blanket.

6.0 **Planning Consideration Key Issues**

6.1 The determining issues that require consideration relate to;

- a) whether the proposed use is acceptable in principle;
- b) the impact of the proposed use on parking and highways safety; and
- c) the impact of the proposed use on the residential amenities of any adjoining occupiers.

Other policy considerations relate to the provision of cycle parking, car parking and refuse storage and are detailed below.

6.2 **Principle of Development**

6.2.1 The application site is located within the Shirley ward where a 20% HMO threshold applies. As such, if the percentage of HMOs within a 40m radius of the front door of 29 Janson Road exceeds 20%, applications for additional HMOs will be refused for being contrary to policy and creating an over concentration within the affected zone.

6.2.2 As part of the assessment 24 properties were identified within a 40m radius of the application site. Based upon information held by the City Council's Planning, Council Tax and Environmental Health departments, there are currently no other HMOs within this 40m radius and the application therefore introduces the first HMO into the radius. The use of the application site as an HMO means that there would be 4.2% of the current stock identified for this use. This is significantly below the 20% threshold. As such, this proposal would not result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in principle as detailed in the Council's adopted Houses in Multiple Occupation SPD. The tests of 'saved' Local Plan Policy H4 then apply:

6.3 **Highways Safety and Parking**

6.3.1 Whilst it would appear that there is off road parking at the front of this property (within the front forecourt), this is not served by a dropped kerb and has not been counted. If a dropped kerb were established, there would be one off road parking space at this property.

6.3.2 The applicant has produced a parking survey in the style of the Lambeth Model.

Two surveys were undertaken at the following times;

- (a) 00:30 to 01:30 on Wednesday 11th February 2015.
- (b) 00:30 to 01:30 on Thursday 12th February.

These surveys examined parking provision along Janson Road, part of Cunard Avenue and part of Treeside Road. These surveys have demonstrated that the proposed use could be accommodated within the survey area. Whilst certain areas were identified as being under stress, other areas would be able to accommodate additional parking. The City Council's Highways department have assessed this survey and are satisfied with its findings.

6.3.3 This property is located within a high accessibility area (20 + buses per hour) as indicated in the Parking Standards SPD. Furthermore, it is located within an area of moderate accessibility (Band 3) of the Public Transport Accessibility Map (PTAL) within the Core Strategy. The proximity of this site to Shirley Town Centre (approximately 180m away from Shirley High Street) means that occupiers of the property would benefit from good access to public transport services in addition to local facilities and may not require a car to get around. Furthermore, as the property is currently occupied the parking requirements of the development are already accounted for in these parking surveys.

6.3.4 Having regard to the above information and the nature of the proposed HMO use, it is considered that the proposed use would not be detrimental in amenity terms. The City Council's highways team have raised no highways safety objection to the proposal.

6.4 Residential Amenity

6.4.1 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (iii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.

6.4.2 The use of this property as a HMO is not considered to give rise to a level of activity that would be significantly greater than that associated with a Class C3 dwelling house. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers. A suitably worded condition will however be imposed to restrict the occupancy to seven people only and ensure that residents have access to appropriate communal living – including a lounge which is located off the common boundary with 31 Janson Road.

6.4.3 As discussed previously (see 'Panel Update' above), the lawful use of the property would be as a Class C4 HMO for six people as it was used in this way when Class C4 was introduced on the 6th April 2010 up until the 21st March 2011. It is not considered that one additional person at this property would give rise to a significant impact over and above that of the six people who could occupy the property within Class C4.

6.4.4 This property benefits from sufficient, usable rear amenity space for the enjoyment of residents and all habitable rooms have an acceptable outlook and access to light.

6.4.5 The HMO SPD states that: '... cycle parking spaces to serve the HMO residents should be made available prior to the first occupation of the HMO enclosed within a secure cycle store'. There is an existing outbuilding located to the rear of this property which would provide secure and covered cycle storage for the required number of cycles. This is accessed via a side access way from Janson Road. This proposal would therefore, satisfy policy requirements relating to cycle storage.

6.4.6 Refuse and recycling bins tend to be kept either on the front forecourt at the properties within this area. This arrangement will continue at the application site and is considered to be acceptable provided the existing wall is retained to screen these bins. As such, sufficient storage for refuse and recyclable materials will continue to be provided.

7.0 Summary

7.1 The use of this property as an HMO is considered to be acceptable and would not be detrimental to residential amenity, the character of the surrounding area or highways safety. The development is considered to be acceptable in terms of other planning considerations.

8.0 Conclusion

To conclude, this proposal is considered to have an acceptable impact and can therefore, be recommended for conditional approval.

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

1(a), 1(b), 1(c), 2(b), 2(c), 9(a) and 9(b).

LAUGRI for 21/04/15 PROW Panel

PLANNING CONDITIONS

01. 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.

02. APPROVAL CONDITION - Number of occupiers [Performance Condition]

The number of occupiers within the property, in connection with the change of use hereby permitted, shall not exceed 7 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

03. APPROVAL CONDITION - Room restrictions [Performance Condition]

The ground floor rooms annotated on the submitted floor plans as the 'kitchen' and the 'lounge' shall remain as communal space for the occupiers of the dwelling throughout the occupation of the buildings and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use of the site as a whole.

04. APPROVAL CONDITION: Retention of front boundary wall

The front boundary wall shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To provide adequate screening for refuse storage associated with the proposed use in the interests of visual amenity.

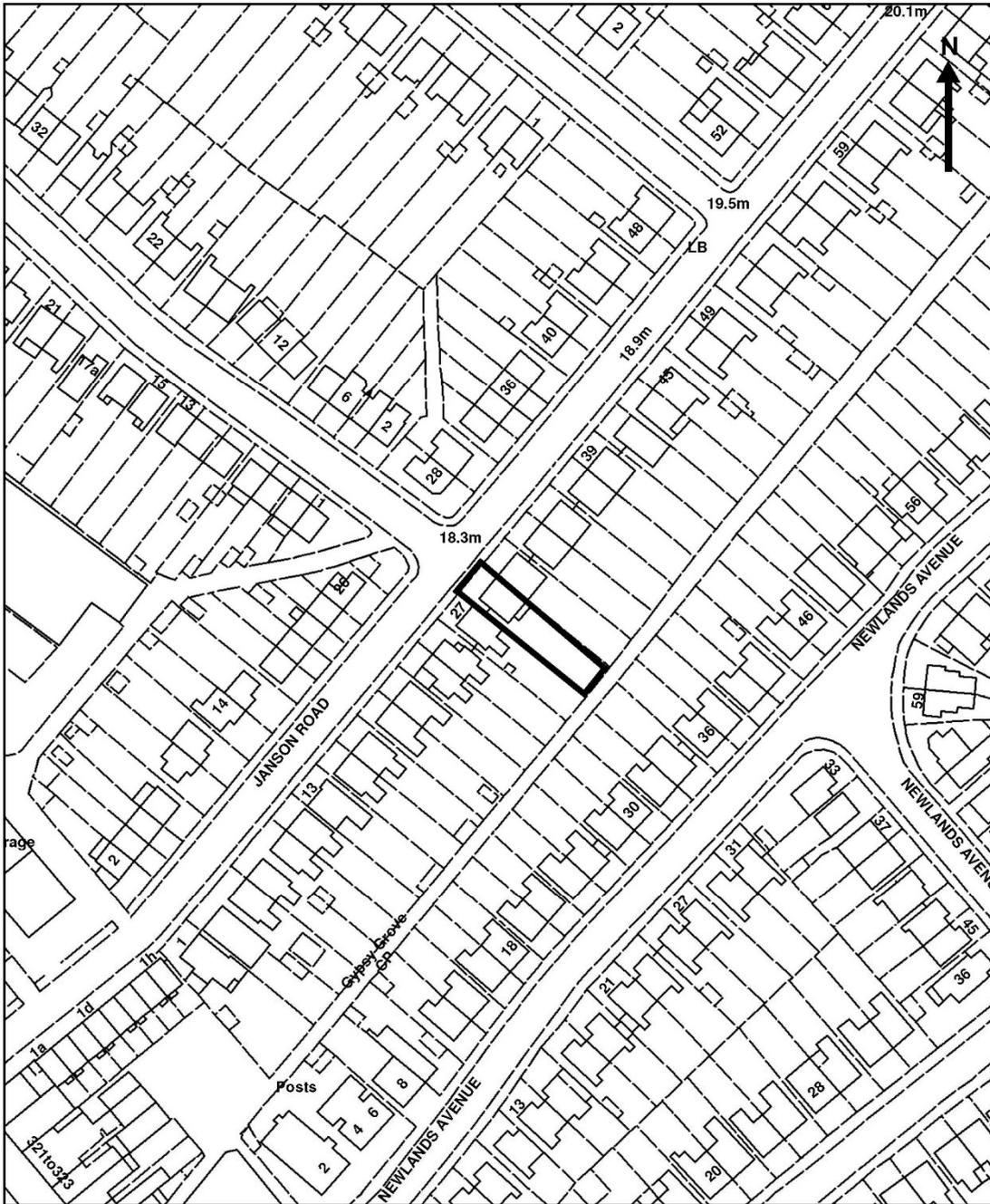
Note to Applicant - Performance Conditions

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

Note to Applicant – Fire Extinguishers

As a side note, the applicant should be reminded that the Council doesn't encourage the use of fire extinguishers in HMOs as tenants aren't trained to use them and they tend to be misused. The only fire-fighting equipment should be a fire blanket.

14/01959/FUL



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Application 14/01959/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP10	Safety & Security
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation SPD (March 2012)

Other Relevant Guidance

The National Planning Policy Framework 2012



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Agenda Item 8

**Planning, Transport and Sustainability Division
Planning and Rights of Way Panel (West) 21st April 2015
Planning Application Report of the Planning and Development Manager**

Application address: Flat 7 Winn Court, Winn Road			
Proposed development: Change of use from three-bed flat to a house of multiple occupation (use class c4)			
Application number	15/00031/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	30/03/2015	Ward	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received.	Ward Councillors	Cllr O'Neill Cllr Claisse Cllr Norris
Referred by:	N/A	Reason:	N/A

Applicant: Ms Rebecca Mulley	Agent: N/A
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Appendix attached			
1	Development Plan Policies		
2	Amended Neighbour Notification Letter		
3	HMO Calculation		

Reason for granting permission

The proposed development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application site is located within a predominantly residential area characterised by a range of dwelling houses and flats. It would provide an appropriate standard of accommodation for residents. This proposal would contribute to the City's housing need and would have an acceptable impact in terms of residential amenity, impact on the character of the wider area and highways safety. This scheme is therefore, judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should subsequently be granted

Policies - SDP1, SDP7, SDP10, of the City of Southampton Local Plan Review (March 2006); CS4, CS16, and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010); the HMO SPD; and the Parking Standards SPD.

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The application site is the top floor flat within a four storey building on the northern side of Winn Road. This property is located within a predominantly residential area characterised by a high proportion of flats.
- 1.2 This property comprises a kitchen, bathroom, lounge and three bedrooms.
- 1.3 This property benefits from the provision of two car parking spaces given the location of a garage block serving the property to the rear in addition to a large parking area for use by residents of Winn Court.

2.0 Proposal

- 2.1 Permission is sought for a change of use from Class C3 (Dwelling house) to Class C4 (House In Multiple Occupation).

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

- 4.1 None.

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. At the time of writing the report **5** representations have been received from surrounding residents. The following is a

summary of the points raised:

5.2 Consultation Responses

- 5.2.1 **SCC Highways** – I can confirm that the submitted parking survey is acceptable. There is more than just one survey conducted and covers both restricted and unrestricted spaces at times where vehicular activity is generally settled. The results show that parking stress is less than half meaning that over half of the kerbside parking spaces are available.

The photos provide good visual evidence of the availability and think it should be presented at panel.

5.3 Notification Representations

- 5.3.1 The application site is a two bedroom flat and the owner is intending to use the lounge as a third bedroom.

Response: This is an incorrect assumption. Having undertaken a site visit, the property as originally constructed is a three bedroom flat. In addition to three bedrooms, this property also has a lounge, kitchen and bathroom for use by occupiers of the property. These communal rooms will remain as a result of this application.

- 5.3.2 The use of the property as a HMO would result in an increase in noise and disturbance, litter and antisocial behaviour, adversely impacting on the quality of life for neighbouring residents.

Response: The property is currently occupied by two people. Increasing the occupancy of the property to three people is not considered to give rise to a significant increase in noise, disturbance, anti-social behaviour or litter over or above that of the existing arrangement. The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwelling house.

- 5.3.3 The lease prohibits the running of any business from the property and multiple occupancy properties can be classed as this.

Response: HMOs are not classed as business premises.

- 5.3.4 The proposed use of the property would result in the loss of a family unit.

Response: Core Strategy policy CS16 defines family units as: 'dwellings of three or more bedrooms with direct access to usable private amenity space or garden for the sole use of the household'. In its current form, whilst this property has three bedrooms, it does not have direct access to usable private amenity space. It cannot therefore, be classed as a family home and as a result, this proposal would not result in the loss of a family home.

- 5.3.5 With one garage space allocated, the proposed use is likely to result in an increase in the number of cars parked along Winn Road. This would cause harm to highways safety.

Response: The City Council's Highways department have raised no objection to this proposal in terms of highways safety. The application site benefits from access to its own garage and to a shared communal parking area solely for the use of the occupiers of Winn Court. It is considered that this is sufficient for the proposed use.

5.3.6 The initial neighbour notification letters which were sent out referenced 7 Winn Road which is the wrong address.

Response: After being informed of this, new letters were sent out (dated 11th February 2015) with the correct address. Please see Appendix 2.

5.3.7 The application site shares adjoining walls with neighbouring properties potentially giving rise to additional noise and disturbance for neighbours.

Response: The application site is a top floor flat. Having undertaken a site visit, no walls adjoin any other flats within Winn Court. The only adjoining walls are to a communal stairwell and corridor.

6.0 Planning Consideration Key Issues

6.1 The determining issues that require consideration relate to; a) whether the proposed use is acceptable in principle; b) the impact of the proposed use on parking and highways safety; and c) the impact of the proposed use on the residential amenities of any adjoining occupiers. Other policy considerations relate to the provision of cycle parking, car parking and refuse storage.

6.2 Principle of Development

6.2.1 The application site is located within the Portswood ward where a 10% HMO threshold applies. As such, if the percentage of HMOs within a 40m radius exceeds 10%, applications for additional HMOs will be refused for being contrary to policy.

6.2.2 11 properties (including the application site) were initially identified within a 40m radius of the application site. Upon further investigation, a number of properties were discounted as they are currently in use as flats (4 x 2 bed flats within Winn Court, 24 flats at Sovereign Court, 70 flats at Albany Park Court, 10 flats at Hartley Court and 8 flats at Winchester Mews). These were discounted as they would not (due to being 1 and 2 bedroom flats) be physically able to accommodate the number of people associated with a HMO. As a result, a total of 10 properties have been included in the count (4 x 3 bed flats within Winn Court, 1 Winn Road, 8 Winn Road, 10 Winn Road, 10a Winn Road, 10b Winn Road and 10c Winn Road). Of these 10, no properties are currently in HMO use. The proposal would result in 1 out of 10 properties being used as a HMO or 10%. As this does not exceed the 10% threshold outlined in the HMO SPD, it is not therefore, considered that this proposal would result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in principle, in accordance with saved policy H4 of the City of Southampton Local Plan Review and the Houses in Multiple Occupation SPD.

6.3 Highways Safety and Parking

- 6.3.1 The HMO SPD outlines maximum car parking standards for HMOs. For a HMO with 3 bedrooms, a maximum requirement of 2 parking spaces applies. The application site benefits from 2 off road parking spaces; one through the provision of a garage and one through the provision of a parking area to the rear of Winn Court. Having regard to this, is it considered that this proposal meets the requirements of the HMO SPD. Sufficient parking would therefore, be provided for the proposed HMO use.
- 6.3.2 A Parking Survey has been undertaken by the applicant to examine parking capacity of the area surrounding the application site. Westwood Road and Winn Road were included within the survey. Blenheim Avenue and Westbourne Crescent also fell within the 200m radius of the application site however were not included as they are only accessible via a wooded, unlit footpath during the evening. This is not considered to be a safe arrangement.
- 6.3.3 The following surveys were undertaken:
- (a) A survey of restricted spaces on 01/04/15 at 02:10. This survey identified that a significant number of restricted car parking spaces (12 on Winn Road and 17 on Westwood Road) were available.
 - (b) A survey of unrestricted spaces on 01/04/15 at 02:10. This survey identified that a significant number of unrestricted car parking spaces (31 on Winn Road and 13 on Westwood Road) were available.
 - (c) A survey of restricted spaces on 02/04/15 at 05:20am. This survey identified that a significant number of restricted spaces (12 on Winn Road and 18 on Westwood Road) were available.
 - (d) A survey of unrestricted spaces on 02/04/2015 at 05:20am. This survey identified that a significant number of unrestricted spaces (29 on Winn Road and 14 on Westwood Road) were available.
- 6.3.4 The parking surveys that were undertaken identified that there is sufficient car parking capacity along both Winn Road and Westwood Road.
- 6.3.5 The application site benefits from 2 off road car parking spaces and subsequently meets the maximum requirement outlined in the Parking Standards SPD. Furthermore, there is sufficient on road capacity along both Winn Road and Westwood Road. Having regard to this, this proposal is not considered to give rise to any adverse impact on residential amenity in terms of reduced parking.

In terms of highways safety, the impact of the proposed HMO is not considered to be materially different to that of a Class C3 household.

6.4 Residential Amenity

- 6.4 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that:
- 6.4.1 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (iii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.

The use of this property as a HMO is not considered to give rise to a level of activity that would be significantly greater than that associated with a Class C3 dwelling house. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers.

Cycle Storage

- 6.5** The HMO SPD states that: 'A minimum number of cycle parking spaces to serve the HMO residents should be made available prior to the first occupation of the HMO enclosed within a secure cycle store'. The existing garage at this property meets this requirement by providing cycle storage which is easily accessible, secure and weatherproof.

Refuse Storage

- 6.6** Arrangements for refuse storage would remain unchanged. They would continue to be provided through a communal refuse area to the rear.

6.6.1

Summary

- 7.0** The use of this property as a HMO is considered to be acceptable and would not be detrimental to residential amenity, the character of the surrounding area or highways safety. The development is considered to be acceptable in terms of other planning considerations.

7.1

Conclusion

- 8.0** To conclude, this proposal is considered to have an acceptable impact and can therefore, be recommended for conditional approval.

8.1

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

1(a), 1(b), 1(c), 2(b), 2(c), 9(a) and 9(b).

LAUGRI for 21/04/15 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - 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.

03. APPROVAL CONDITION - C3/C4 dual use [Performance Condition]

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

Reason:

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

04. APPROVAL CONDITION - Room restrictions [Performance Condition]

The room annotated on the submitted floor plans as the lounge shall remain as communal space for the occupiers of the dwelling throughout the occupation of the buildings and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use of the site as a whole.

05. APPROVAL CONDITION - Number of occupiers [Performance Condition]

The number of occupiers within the property, in connection with the change of use hereby permitted, shall not exceed 3 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

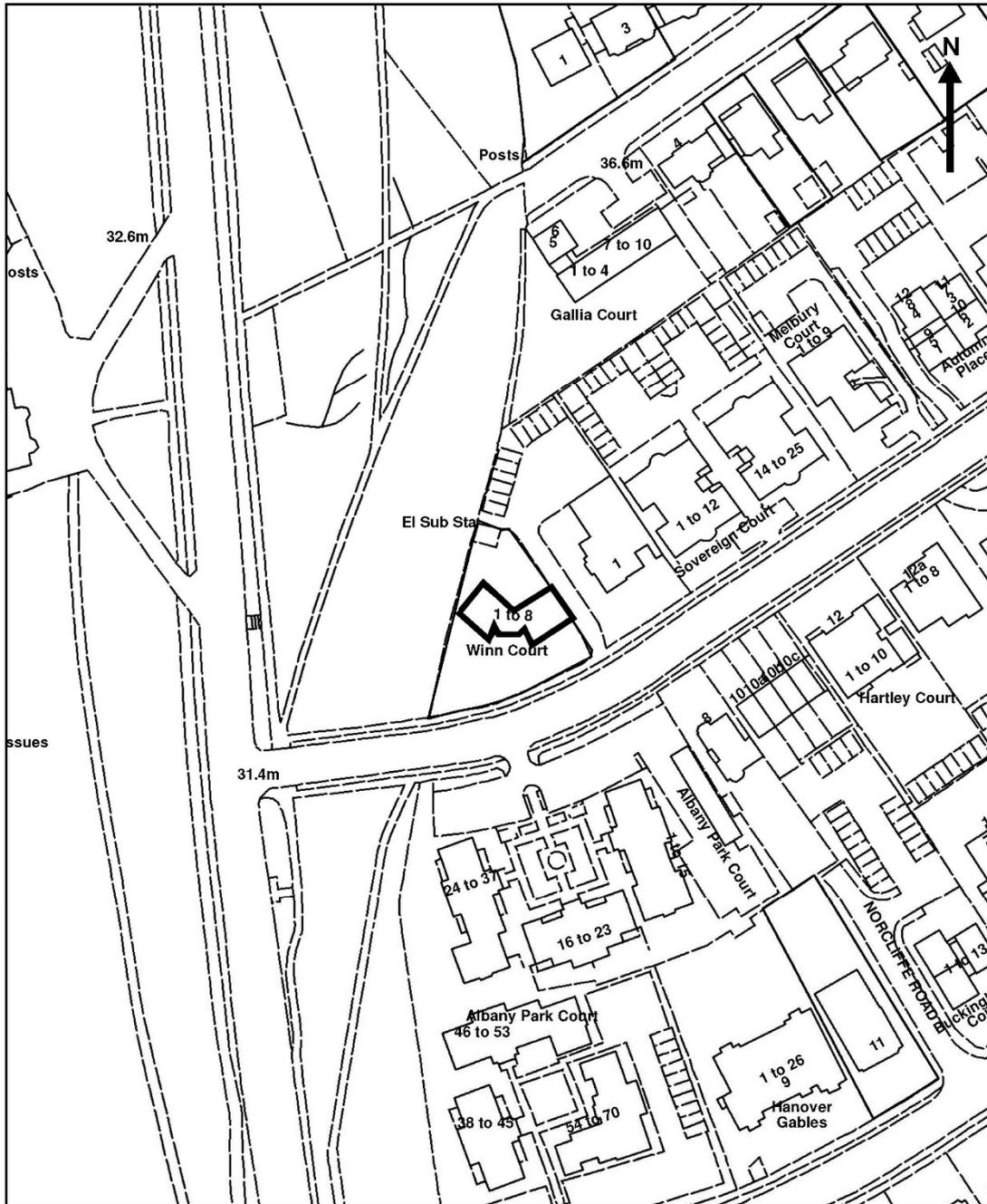
In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

06. Note to Applicant:

A HMO License will be required to operate the property as a Class C4 HMO. The applicant is advised to contact the HMO licensing team for more information or to see the following link;

<http://www.southampton.gov.uk/housing-council-tax/landlords-home-owners/landlords/houses-in-multiple-occupation/licensing-houses-in-multiple-occupation/default.aspx>

15/00031/FUL



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Application 15/00031/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP10	Safety & Security
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation SPD (March 2012)

Other Relevant Guidance

The National Planning Policy Framework 2012

Application 15/00031/FUL
AMENDED NEIGHBOUR NOTIFICATION LETTER

Development Management

Southampton City Council
Lower Ground Floor
Civic Centre
Southampton SO14 7LS

Direct Dial: 023 8083 3006

Please ask for: Planning Enquiries

Our ref: 15/00031/FUL / **Site Code:** 6628



11 February 2015

The Occupier
Flat 6
Winn Court
Winn Road
Southampton
SO17 1UZ

Application No: 15/00031/FUL

Address: Flat 7 Winn Court Winn Road

Proposal: Change of use from 3-bed flat to a House of Multiple Occupation (use class C4)

Dear Sir/Madam,

Further information and/or plans have been received in connection with the above planning application. The amended documents are available for viewing on the Council's Public Access website at <http://www.southampton.gov.uk/planning/planning-applications/default.aspx>

Any comments you may wish to be taken into account in determining this application should be made in writing by **entering your comments on-line through the Public Access webpage** at the address above or (if this is not possible) in written form with your full name & postal address, quoting the above application number to Development Management, Southampton City Council, Civic Centre, Southampton, SO14 7LS by **9 March 2015**.

You will receive an acknowledgement of any written communication. However, because of the need to deal with planning applications within statutory time limits, the Council will not enter into correspondence.

Under the provisions of the Local Government (Access to Information Act) 1985, any written comments that you submit (including post) will be made available for inspection and copying by the public. By submitting such comments you are consenting to your name and address being placed in the public domain. If you have an overriding legal reason why your address should remain confidential, please contact the planning office for advice in good time prior to submitting your comments in accordance with the relevant deadline.

If you are not the owner of the property to which this letter is addressed, would you please pass on this letter to them as quickly as possible. Notification is carried out in accordance with Government Regulations. If you think other neighbours would wish to comment, please show them this letter.

Yours faithfully,

Development Management Team

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Agenda Item 8

Appendix 3
CITIES IN
CALCULATION



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Agenda Item 9

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

Application address: 26 Stafford Road			
Proposed development: Change of use from a single dwelling house (Class C3) to flexible use as either a dwelling house or a house in multiple occupation (Class C4)			
Application number	15/00032/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	27/3/15	Ward	Freemantle
Reason for Panel Referral:	Objection by Cllr Moulton and 5 or more letters of objection contrary to officer recommendation	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton
Referred by:	Cllr Moulton	Reason:	Additional HMOs will erode the balance of surrounding community

Applicant: Mr Watmough	Agent: Mr Jonathan McDermott
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	No
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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. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive

manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site consists of a terraced residential family dwelling house in an area typified by a mix of different types of residential dwelling.

2.0 Proposal

2.1 The application seeks to change the use from a C3 family house to a C4 house in multiple occupation. In practice, this means applying for a flexible use between C3 and C4 in order to allow for the property to be let to both sharers and single households for a period of 10 years. On the 10 year date from determination, the permanent use would become that which it is used as on that date.

2.2 It is proposed that the site will accommodate 6 bedrooms (with the maximum occupancy of a C4 HMO being up to 6 residents).

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 None relevant.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and

nearby landowners. At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:

- HMOs result in anti-social behaviour/additional noise/different pattern of occupation from typical C3 use
- Surrounding area is 'family orientated' and associated impacts of multiple occupancy in terms of maintenance of property, refuse etc. would be harmful to the character of the surrounding area
- Applications for HMO use have been refused in nearby areas (specifically on Suffolk Avenue and Shirley Road)
- There are already enough HMOs in the locality

Note: These issues will be addressed in section 6.

- The proposal would exacerbate existing parking problems

Note: With reference to the Parking SPD and HMO SPD the maximum parking provision for a 3-bed dwelling house or 6-bed HMO are both 2 spaces.

Consultation Responses

5.2 **SCC Highways** – No objection.

5.3 **SCC Housing** – No objection.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are: the principle of the development; the character of the area; the residential amenity of future occupiers; impact on nearby residents and; parking and highway safety.

6.2 Principle of Development

The principle of an HMO use on this site needs to be assessed against the HMO SPD to determine whether there is already a concentration of such properties within the area. In combination with this, the impact of an HMO on the character and amenity of the area and its residents needs to be assessed. These issues are discussed below.

6.3 Character of the Area

6.3.1 The aim of the HMO SPD is to achieve a mix of households with the City in order to meet different housing needs whilst protecting the interests of other residents and landlords. The demand for HMO housing is high with the City, mostly by young single people both students and professionals, those on low incomes and other groups such as migrants. Whilst there is also a demand for family housing, there would be no net loss of a family house in this case as the property would still be capable of being used as such by means of a flexible C4/C3 permission. The property could thereby be rented to either sharers or families. CS16 defines a family unit as having at least 3 bedrooms with direct access to private useable amenity space for the sole use for the unit.

- 6.3.2 In order to avoid a high level of concentration with a particular area of the City which can have a detrimental impact on the local community, the HMO SPD applies a threshold within a certain area (40m radius from front door of the property) to limit the amount of HMOs and to encourage an even distribution across the City. The threshold with the Freemantle ward is 20% in order to limit the negative impacts on HMO concentration on the character of the area and the local community in terms of noise, traffic, waste and other issues.
- 6.3.4 The information available on the properties falling within the radius is inconclusive in some cases, with information being drawn from Council Tax records, data on record from Environmental Health, the planning history and electoral roll. However, the indicative information available appears to show that there are 2 HMOs within the 40m radius. The percentage within the area would be 14%, below the threshold of 20%.
- 6.3.5 Therefore, in accordance with the HMO SPD, the tipping point of the amount of HMOs in an area which would lead to a harmful impact on the character of the area has not been exceeded. It is therefore judged that this area is capable of accommodating an HMO, providing much needed housing to the City, helping to spread the concentration more evenly whilst limiting the impact on the character of the area.
- 6.4 Residential amenity of occupiers
- 6.4.1 The property has been assessed by the Private Sector Housing team who are content with the change of use proposals and have made the applicant aware of the alterations that needs to be made in order to meet the licensing standards. The room sizes, shared facilities and amenity space available is sufficient to provide a good quality living environment for future occupiers.
- 6.5 Impact on amenity of nearby residents
- 6.5.1 There are no physical works proposed which would have an impact on neighbouring residential amenities such as light, outlook and privacy. However, there is the potential for increased comings and goings associated with multiple people living as single households. The area is close to public transport links and local amenities in Shirley Road and the City centre. It is not judged that the addition of a limited number of single residents is likely to significantly change this current arrangement. Given the accessibility of the site and with reference to the relevant parking standards quoted in section 5.1, it is considered that the retention of the existing parking arrangement would meet the needs
- 6.5.2 Noise disturbance is a common concern with HMO properties. However, the HMO SPD outlines the fact that at the time of writing of the SPD, only 0.5% of the HMO housing stock in the City had been subject to noise notices. Whilst it is recognised that residents fear that there is an increased chance of noise disturbance and it taken into consideration, it is not judged to warrant refusal of the application. Noise complaints can be dealt with by the relevant authority (Environmental Health) should issues arise.
- 6.6 Parking and highway safety
- 6.6.1 The Highway team have indicated that there would be no safety issue as a result of the application. Parking would therefore be an amenity consideration rather than one of safety.

- 6.6.2 It is noted that while the submitted application form identifies that 1 parking space will be provided on site, however 2 are identified on the submitted plan, in accordance with the maximum parking provision for a 6-bed HMO as identified in the HMO SPD.
- 6.6.3 It is noted that the on-street parking provision is somewhat limited by the dropped kerbs of properties within the street. This suggests that residents have off-street parking and therefore the on-street provision is likely to be used as overspill for households with multiple vehicles and for visitors to the area. It is therefore judged that whilst parking pressures may increase, the residential amenity of residents is unlikely to be significantly effected.

7.0 Summary

- 7.1 Overall, it is judged that on the balance of probability based on the information available to the Council at the time of writing, there is a limited amount of HMO's within the area and therefore the creation of an addition HMO would not exceed the threshold of 20% in the area. On this basis, the application complies with the HMO SPD helping to provide a site for an important housing need whilst limiting the impact on the area due to the low level of HMOs in the area thereby creating a balance between households. The living environment would be satisfactory for both neighbours and future occupiers of the property.

8.0 Conclusion

- 8.1 The application is recommended for approval subject to conditions.

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

1(a)(c)(d), 2(b)(d), 4(f)(qq)(vv), 6(c), 7(a), 9(b)

JF for 21/4/15 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - 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.

03. APPROVAL CONDITION - C3/C4 dual use [Performance Condition]

The "dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use" hereby permitted shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. That dwelling shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority. For the avoidance of doubt, if a C4 use is instituted and subsequently reverts to C3 use and is in that use on 22 July 2024, planning permission will be required to convert to Class C4 use thereafter.

Reason:

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

04. APPROVAL CONDITION - Cycle storage facilities [Pre-Occupation Condition]

Prior to the first occupation of the site as an C4 dwelling, details of cycle storage facilities to conform to the Local Planning Authorities standards of one space per resident shall be provided and agreed upon in writing by the Local Planning Authority . Such parking and storage shall thereafter be permanently maintained for that purpose. In the avoidance of doubt this means that 6 secure, lockable cycle parking spaces shall be provided on site.

Reason:

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

05. APPROVAL CONDITION - Refuse and Recycling [Pre-Commencement Condition]

Before the works commence 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.

06. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored on the public footpath or highway and shall be stored in accordance with the details to be approved under condition 5.

Reason:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation SPD (Adopted - March 2012)
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

15/00032/FUL



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Agenda Item 10

**Planning, Transport and Sustainability Division
Planning and Rights of Way Panel (West) 21st April 2015
Planning Application Report of the Planning and Development Manager**

Application address: Land rear of 27 Nelson Road			
Proposed development: Erection of a single storey one-bed bungalow with associated parking, cycle/refuse storage and amenity space (resubmission of 14/00496/FUL)			
Application number	15/00138/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5
Last date for determination:	27/3/15	Ward	Freemantle
Reason for Panel Referral	Representation by Cllr Moulton in support (contrary to officer recommendation)	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton
Referred by:	Cllr Moulton	Reason:	Alterations minimise impact of proposal in terms of amenity and character

Applicant: Mr Saw	Agent: Consultant Planning Services
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Liable
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01. REASON FOR REFUSAL – Character and amenity

The proposal to form a separate dwelling represents an over-intensive use of the site, introducing a form of back land development which would be wholly out of character with the layout and context of the established pattern of development in the area, with the formation of a separate dwelling causing harm to neighbouring occupiers in terms of increased activity. Furthermore, the application site is compact, allowing minimal amenity space and outlook to the occupiers of the proposed dwelling and would therefore be detrimental to their amenity. As such the proposal is contrary to saved policies SDP1(i) and SDP7(iii)(iv) of the City of Southampton Local Plan Review (Adopted March 2006) and policies CS13 and CS16 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010) as supported by the guidance set out in paragraph 2.3.14 of the Councils Residential Design Guide Supplementary Planning Document (approved September 2006).

02. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

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

Appendix attached			
1	Development Plan Policies	2	Planning history

Recommendation in Full

Refuse

1.0 The site and its context

1.1 The application site is formed of land situated to the rear of 27 and 25A Nelson Road and is currently occupied by a number of small scale outbuildings but it otherwise vacant. The site has an access onto Nelson Road running between 25A and 25 Nelson Road. The surrounding area is residential in context, with a mix of dwelling types and designs. The immediate surroundings of the plot to the rear are occupied by residential gardens.

2.0 Proposal

2.1 The application proposes a detached bungalow to create a new dwelling. In order to facilitate the creation of this new dwelling the plot includes part of the existing garden serving the property at number 27. The access to the property would be via the existing access between 25A and 25 Nelson Road, with the structure itself situated into the north-west corner of the plot.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). A full list of the most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 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.

4.0 Relevant Planning History

4.1 This application is a resubmission of a previously refused scheme under planning application reference 14/00496/FUL. The previous application was refused with three reasons for refusal cited; the impact of a new residential unit on the overall character of the surrounding residential garden environment, the impact on the amenity of occupants in terms of lack of amenity space and the effective loss of a family dwelling due to the loss of amenity space to the property at 27 Nelson Road.

5.0 Consultation Responses and Notification Representations

5.1 At the time of writing the report **1 representation** has been received from surrounding residents. The following is a summary of the points raised:

- 5.2
- Overdevelopment which is out of character with surrounding residential context
 - Parking provision is insufficient to meet the needs of the development (with reference to personal circumstances of applicant and existing parking problems in the surrounding area)
- 5.3
- Access for construction vehicles will be problematic/disruptive

Comment: Any issues arising from the construction would likely be temporary in nature and could theoretically be controlled through the use of conditions.

- 5.4
- Previous applications have been refused in the surrounding area for other works

Comment: Each application must be considered on its individual merits at the time of submission in relation to current local and national policies. It is noted the comment referred specifically to extensions. On balance it is felt that the nature of the scheme involves a significant number of differing material considerations when compared to an extension to an existing dwelling.

Consultation Responses

5.5 **SCC Highways – No objection**

Given the scale of the proposed scheme it is not felt that the scheme will have a significantly harmful impact on highways safety when compared to the existing situation. Given the constraints of the existing access it is considered that cars should be able to enter and leave in a forward gear and on this basis if approval is recommended then it is considered conditions should be imposed to require a tracking diagram to demonstrate on site turning and landscaping to ensure such is retained.

5.6 Cllr Moulton

Support for the application given that the proposal is smaller than the previous scheme (forming a 1-bed unit rather than 2-bed unit) and resolves concerns in terms of amenity space and outlook. The proposal will not have any impact on the street scene and would be obscured, mitigating the impact on the character of the area and would not set a precedent.

Note: In the submitted application form the applicant has stated that the unit will have a single bedroom, compared to the two of the original scheme. It is noted that the floor plan of the building contains four rooms and planning permission would not be required to internally convert a room to a bedroom.

5.7 Cllr Shields

Objection to application with reference to the tightness of the vehicular access, the concern that it will exacerbate existing parking issues and cause loss of amenity space.

6.0 Planning Consideration Key Issues

- 6.1 The proposal has been amended in a number of ways from the previously refused scheme. The footprint of the structure has been reduced slightly from 8m by 6.15m (49m²) to 7.5m by 5m (37.5m²). The overall height of the structure has also been reduced from a maximum height of 3.7m to a maximum height of 3m (retaining the eaves height of 2.3m). As a result of these alterations the internal layout has been rearranged.
- 6.2 Additionally the amenity space provision has been modified, increasing the amount of land retained by the property at 27 to retain sufficient amenity space to be classified as a 'family dwelling' under policy CS16. On balance it is considered that this amendment is sufficient to address this reason for refusal. Nominally section 2.3.14 of the Residential Design Guide typically would expect 90m² of amenity space with a 10m garden depth for detached residential dwellings, however on balance given the specific nature and scale of the proposal it is considered that a lesser provision could be considered acceptable.
- 6.3 It is noted that this specific alteration was considered in the delegated report of the original application with the case officer noting that it would 'reduce the amenity space for the new unit to around 35m² which is insufficient for the outlook, especially considering the positioning and orientation of the proposed unit'. The amount of usable amenity space available to the site is further limited by the requirement to retain on-site turning space.

- 6.4 The surrounding area is characterised by two-storey dwellings facing the highway, mostly taking the form of semi-detached and residential dwellings with some flatted developments. While there are some examples of larger outbuildings to the rear in the surrounding area these are typically incidental to the use of the associated dwellings with the surrounding context being that of residential gardens. The physical scale of the proposed use has been reduced somewhat and it is not felt that the proposal will have a significantly harmful impact in terms of the physical form of the structure. However, the proposal does not address the first reason for refusal in terms of the overall impact by the introduction of an independent unit of living accommodation on the character of the immediate surroundings in terms of the context of the surrounding residential garden area.
- 6.5 The internal layout of the outbuilding has been redesigned. While the applicant has stated that the proposal is now for a 1-bed unit rather than 2-bed unit it is noted that planning permission would not be required to convert additional rooms to bedrooms. In particular, the room to the north-west corner would have limited outlook. In addition the window to the east elevation and east side of the south elevation would both have limited outlook, looking into boundary treatments at close proximity (notwithstanding that given the surrounding context of the site they would not be constrained by additional development at first or second storey).
- 6.6 Further details of proposed cycle and refuse storage are required, however this could be addressed through the use of condition. Further information would be needed in relation to sustainability elements of the build however it is considered suitable conditions could be imposed to this effect.
- 6.7 As noted in section 5 above, the highways team does have some concern in relation to the vehicular access to the site. The property has an existing vehicular access, however given the length and width of the access it is considered that on-site turning would be required to address highways safety concerns. In addition the proposal would involve the loss of some existing informal parking available within the site. Given the scale of the proposal the highways team do not consider that the additional volume of traffic will represent a significant additional impact when compared to the existing situation, while the formalisation of the parking and requirement to retain on site turning would represent an improvement over the existing situation.
- 6.8 Since the refusal of the previous application, the Council has begun to seek mitigation against the impacts of new dwellings on the overall environment of the South Coast area through mitigation under the Solent Disturbance Mitigation Project as per section 3.3 of this report. The applicant has agreed any obligation to address this issue and as such a reason for refusal would be considered justified in this respect.

7.0 Summary

- 7.1 The alterations to the scheme have gone some way to addressing the previously cited reasons for refusal, however on balance it is felt that a number of the key concerns remain predominately materially similar to the previously refused scheme with particular reference to the amenity of the occupants of the new dwelling and the character and context of the site in terms of neighbouring residential gardens.

8.0 Conclusion

With reference to the issues discussed above the application is recommended for refusal.

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

1(a)(b)(c)(d), 2(b)(d), 4(f)(vv), 6(a)(c), 9(b)

JF for 21/04/15 PROW Panel

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting biodiversity and protecting habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing and Appearance
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation SPD (March 2012)

Other Relevant Guidance

The National Planning Policy Framework 2012

Planning history

14/00496/FUL – Erection of a two-bedroom bungalow with associated parking and cycle/refuse storage – Refused 17/05/2014

01. REASON FOR REFUSAL – Out of character

It is considered that, by reason of the backland positioning of the proposed unit within the rear gardens, the proposal is out of character and context with the general pattern of development in the area. As such the proposal is contrary to saved policies SDP1(i) and SDP7(iii)(iv) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS13 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010).

02. REASON FOR REFUSAL – Residential Amenity

It is considered that, by reason of insufficient amount of amenity space to serve the proposed unit, the proposal would be detrimental to the residential amenity of the occupiers in terms of sufficient outlook from habitable room windows and lack of sufficient amenity space provision. In addition, no cycle storage has been provided for the occupiers of the proposed unit. As such the proposal is contrary to saved policies SDP1(i) and SDP5(iii) of the City of Southampton Local Plan Review (Adopted March 2006) and policies CS13, CS16 and CS19 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010) as supported by the guidance set out in paragraph 2.3.14 of the Councils Residential Design Guide Supplementary Planning Document (approved September 2006).

03. REASON FOR REFUSAL – Loss of a family dwelling

The proposal, by reason of the reduction of private amenity space afforded to no. 27 Nelson Road below the Local Planning Authority's minimum standard of 70m² (for semi-detached properties), would constitute of the loss of a family dwelling house as defined by Policy CS16 Core Strategy 2010 notwithstanding the retention of 3 bedrooms within the dwelling. As such the proposal is contrary to policy CS16 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010) as supported by the guidance set out in paragraph 2.3.14 of the Councils Residential Design Guide Supplementary Planning Document (Approved September 2006).

12/01461/PREAP1 - Erection of a single-storey dwelling in the rear garden - 07/12/2012

890635/W - ERECTION OF A TWO STOREY REAR EXTENSION AT 27 NELSON ROAD - CAP 01/06/1989

890635/W/27 - THE ERECTION OF A PAIR OF SEMI DETACHED DWELLINGS ON THE SITE OF 27 NELSON ROAD - CAP 10/01/1978



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