

# Planning and Rights of Way Panel

Tuesday, 23rd May, 2017  
at 6.00 pm

## **PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

### **Members**

**To be appointed at Annual General Meeting**

### **Contacts**

Democratic Support Officer

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Service Lead - Planning Infrastructure and  
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## PUBLIC INFORMATION

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

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

### **Public Representations**

Procedure / Public Representations

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

**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.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

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Details of the Council's Guidance on the recording of meetings is available on the Council's website.

### **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

**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 2017/18**

<b>2017</b>	
20 June	3 October
11 July	24 October
1 August	14 November
22 August	5 December
12 September	

<b>2018</b>	
9 January	3 April
30 January	26 April
20 February	
13 March	

## **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 for 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**

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### **3 ELECTION OF VICE-CHAIR**

To elect the Vice Chair for the Panel in the Municipal Year 2017- 2018.

### **4 STATEMENT FROM THE CHAIR**

### **5 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 the 4 April 2017 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **6 PLANNING APPLICATION - 16/01750/FUL - 282 PORTSWOOD ROAD**

(Pages 9 - 32)

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

### **7 PLANNING APPLICATION - 16/02031/FUL - 73 HIGH STREET** (Pages 33 - 46)

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

### **8 PLANNING APPLICATION - 17/00117/FUL - 11 ST AUBINS AVENUE**

(Pages 47 - 56)

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



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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 4 APRIL 2017

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Present: Councillors Denness (Chair), Coombs (Vice-Chair), Barnes-Andrews, L Harris, Hecks, Mintoff and B Harris

Apologies: Councillors Claisse

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

It was noted that following receipt of the temporary resignation of Councillor Claisse from the Panel. The Service Director Legal and Governance, acting under delegated powers, then appointed Councillor B Harris to replace him for the purposes of this meeting.

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

**RESOLVED:** that the minutes for the Panel meeting on 14<sup>th</sup> March 2017 be approved and signed as a correct record, subject to the following amendment.

The Panel noted that Minute Number 78 “Planning Application – 15/02410/FUL – 69-73 Anglesea Road” should have noted that Councillor Hecks voted to support the officer recommendation.

87. **PLANNING APPLICATION - 16/01108/FUL - PART OF FORMER VOSPER THORNYCROFT SITE AND WATERFRONT SOUTHAMPTON**

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

Redevelopment of the site to provide industrial building (Class B2 - 24 hour operation) with ancillary office/research and development accommodation, storage, access and parking (total floor space of 3,147 square metres) (Environmental Impact Assessment Development follows permission 08/00629/FUL).

Dr Ian White, Simon Reynier and Rosie Johnson (local residents objecting), Councillors Bogle and Fitzhenry (City Councillors objecting) Harry Hutchinson, Robert Sanders and Paul Hayden (applicant), Simon Read (architect), and Councillor Payne (Ward Councillor objecting) were present and with the consent of the Chair, addressed the meeting.

Officers agreed to adjust the delegation set out as recommendation (iv) below to ensure that any adjustment to the operating times would return to Panel for consideration. The Panel were concerned around the range of activities that could be undertaken within the area known as the “Yard Work Zone” and requested that this and the hours that work could be undertaken be conditioned as set below. The Panel also requested that the permitted hours of external working for the wharf and cranes area outside of the

'Yard Work Zone' be amended to prevent the 1 day a week set out within the conditions becoming 2 consecutive days over 2 weeks. In addition the Panel requested an amendment to the condition relating to cycle parking.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Coombs, Claisse, L Harris and Hecks

AGAINST: Councillor Barnes-Andrews

ABSTAINED: Councillor Mintoff

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
  - a. Either a s.278 Agreement to undertake agreed works within the highway or a financial contribution and other highway obligations, including Traffic Regulation Orders (where necessary) towards site specific transport improvements in the vicinity of the site in line with policies SDP4 and TI2 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) linked to those works agreed under 08/00629/FUL with additional works to Wharf Road to accommodate larger vehicles;
  - b. 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;
  - c. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - d. The submission, approval and implementation of a Carbon Management Plan setting out how 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);
  - e. Submission and implementation of a Construction Traffic Management Plan;
  - f. Submission and implementation of an Operational Phase Lorry Routing Agreement to limit HGV traffic within residential streets; and
  - g. Submission and implementation of a Staff Travel Plan



- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
- (iv) 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. This delegation does not extend to amending the hours of operation agreed by the Planning and Rights of Way Panel as listed in the report considered and approved.

#### AMENDED CONDITIONS

#### 4. OPERATIONAL HOURS (Performance)

The restricted B2 use hereby approved (and defined above) shall not operate outside of the following hours:

- Internal Working within the Building:  
Permitted 24 hours per day (7 days)
- External Working – ‘Yard Work Zone’ (as defined in the submission):  
Monday – Sunday (7 days) – 7am to 7pm
- External Working – Wharf and Cranes outside of the ‘Yard Work Zone’  
Monday – Sunday (7 days) – 7am to 7pm

In the event that the development is occupied by a business involved principally in the manufacture of wind turbine blades, for which a case has been made within the submitted documents, the following extension to operational hours shall apply to the following areas only:

- External Working – ‘Yard Work Zone’ (as defined in the submission):  
Monday – Sunday (7 days) – 7pm to 11pm
- External Working – Wharf and Cranes outside of the ‘Yard Work Zone’  
Monday – Sunday (7 days) – 7pm to 11pm for 1 day per calendar week – non consecutive

The Yard Work Zone as shown in the 24Acoustics Noise Impact Assessment (7th March 2017) shall be clearly marked out on site prior to the first use of the building and shall thereafter be retained for the lifetime of the development. For these extended hours the Yard Work Zone shall only be used for those activities and processes that shall have been agreed in writing with the Local Planning Authority prior to first use of the site for the approved use. At no time shall the external yard be used for manufacturing activities and processes other than those agreed.

REASON: In the interest of the amenities of neighbouring occupiers as established by the approved Environmental Impact Assessment and the amended 24Acoustics Noise Impact Assessment (7th March 2017), with bespoke details provided for a wind turbine blades manufacturer, following input from the Council’s Environmental Health Officer.

## 11.CYCLE PARKING (Performance Condition)

Before the occupation of each building the cycle storage, changing, washing and shower facilities for members of staff shall be provided and made available for use in accordance with revised details that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development hereby approved. The storage shall thereafter be retained as approved.

REASON: To encourage cycling as an alternative form of transport.

## 88. **PLANNING APPLICATION - 17/00083/FUL - 7 WILLIS ROAD**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development recommending that planning permission be refused in respect of the application for a proposed development at the above address.

Construction of a single storey outbuilding for storage and parking purposes, to the rear of the property following demolition of the existing outbuilding

Roger Shephard, Kathryn Young (local residents objecting), Amrik Chahal (agent) and Councillor Vassiliou (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

Upon being put to the vote the officer recommendation recommending refusal was carried.

**RESOLVED** that conditional planning permission be refused for the reasons set out below.

### Reason for Refusal

The proposed outbuilding is considered excessive and out of character, in particular its height and width on the site, with the scale of developments in the area. Furthermore, the footprint, height and proximity to the boundary with nos 36a and 38 Bassett Green Road, largely spanning the full width of these gardens would appear over-bearing and oppressive when viewed from the neighbouring gardens. The use of the garages by vehicles would also erode the enjoyment of the adjoining neighbouring gardens, particularly those at 36a and 38 Bassett Green Road, due to noise and disturbance. This would, therefore, be harmful to the amenities currently enjoyed by these residents. The development is therefore contrary to Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review amended version (March 2015) and Policy CS 13 of the Southampton City Council Local Development Framework Core Strategy (2015).

# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 23<sup>rd</sup> May 2017 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	JF	CAP	5	16/01750/FUL 282 Portswood Road
7	AL	CAP	5	16/02031/FUL 73 High Street
8	JF	CAP	5	17/00117/FUL 11 St Aubins Avenue

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

Case Officers:

AG – Andy Gregory

JF – John Fanning

AL – Anna Lee

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

### Report of Planning & Development Manager

#### 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 Plan (Adopted 2013)
  - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
  - (e) Adopted City Centre Action Plan (2015)
  - (f) Community Infrastructure Levy Charging Schedule (2013)
  - (g) Bassett Neighbourhood Plan (Adopted 2016)
  
3. Statutory Plans in Preparation
  
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. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. 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)

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel 23<sup>rd</sup> May 2017  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 282 Portswood Road			
<b>Proposed development:</b> Erection of additional floor to provide 3 x studio flats			
<b>Application number</b>	16/01750/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	07.12.2016	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	More than 5 letters of objection received	<b>Ward Councillors</b>	Cllr Savage Cllr O'Neill Cllr Claisse
<b>Applicant:</b> Mr H Ebert		<b>Agent:</b> Concept Design & Planning - Mr Rob Wiles	

<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H2, H7, NE4 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

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

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and a mechanism to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

2. In the event that the required measures are not secure or progressed within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of impact on the conservation of species and protected habitats.

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

1.1 The application site comprises a two-storey, white rendered detached building located at the end of a row of properties, just south of a junction with Thomas Lewis Way. The building fronts Portswood Road, with external yard areas to the south side and rear of the building. Beyond the rear boundary is an un-adopted highway that provides access to 284 to 304 Portswood Road.

1.2 The property currently contains part hairdressers, part residential to the ground floor with residential accommodation above, comprising a six bedroom HMO. It lies within a predominantly residential part of Portswood Road, with some ad hoc non-residential premises. The character of properties within this part of the street is mixed.

### **2. Proposal**

2.1 The application seeks full planning permission to provide an additional storey to the building to accommodate 3 additional flats.

2.2 At ground floor level, an additional entrance would be provided to the rear of the building onto the un-adopted highway. Approximately 6 sq.m of the ground floor retail is being proposed to be converted to residential use. Cycle and refuse storage would be provided within an existing yard to the rear of the building. The storage area would be accessed from Portswood Road via the side yard area.

2.3 The first floor of the building would be largely unaltered from the existing situation, with the existing residential accommodation retained. An extension would be provided to the rear of the building to provide a stair core to the new roof level accommodation.

2.4 The proposed new accommodation is comprised of three self-contained studio flats within a mansard-style roof extension over part of the building with a flat roof element to the northern part of the building. The extension is set back from the



northern parapet of the building, although no access is proposed from the flats to this external area.

2.5 No car parking is proposed to serve the flats.

### **3. Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

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

3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.

3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply.

3.5 Policy CS5 acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, and the need to make efficient and effective use of land. The development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.

3.6 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council’s approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).

### **4. Relevant Planning History**

- 4.1 In 2010, planning permission was granted to change part of the ground floor and the first floor into a 6-bedroom HMO, retaining a commercial element on the remainder of the ground floor (planning application reference 10/01116/FUL). Subsequent to this, full planning permission was granted, at appeal, for external alterations and a roof extension to the building to facilitate an additional 4-bedroom HMO flat (reference 11/01447FUL). This planning permission has expired with no clear evidence that the permission has been implemented (although conditions were discharged). That said, the planning policy framework remains the same now as when the appeal application was determined and, therefore, it represents a material planning consideration of due weight. A copy of the Council's reasons for refusal and the appeal decision is provided in **Appendix 2** of this report. The current proposal closely follows the appeal scheme, with the main change being that 3 studio flats are now proposed, instead of a 4-bed HMO.
- 4.2 More recently, an application to utilise permitted development rights to change part of the ground floor to provide a further 2 flats was agreed (reference 16/01202/PAC3). This scheme retained a retail unit to part of the ground floor.

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

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (28.10.16). At the time of writing the report **6** representations have been received from surrounding residents and an objection from Cllr Claisse. The following is a summary of the points raised at the time of writing this report:

### ***5.1.1 Loss of privacy/overlooking of neighbouring properties to the rear of the site.***

#### Response

The additional flats are designed with single-aspect accommodation, facing onto Portswood Road, rather than toward the residential properties at the rear of the site. Since the rear-facing accommodation is non-habitable (bathrooms and stair), a condition is suggested to obscure glaze the rear-facing windows. In addition to this, the flats are not designed with access onto the roof area for amenity space purpose. A condition is suggested to prevent the roof being used as a terrace in the future, in the interests of privacy.

### ***5.1.2 Loss of car parking spaces adding to existing pressure within the area, including over-spill parking on the private road to the rear of the site.***

#### Response

The application does not propose the stopping up/removal of existing car parking bays within the area. No additional car parking is proposed to serve the additional

flats. It is important to note that the appeal scheme was also a car free development and, as set out above, this approval is a material consideration in the assessment of this application. Whilst the application proposes two additional flats when compared with the appeal scheme and two further flats could be constructed under permitted development, overall, an increase of one bedroom is proposed from the consented schemes on site. The Council's adopted parking standards require a maximum rather than a minimum provision of car parking, meaning the provision of no car parking is in accordance with this standard. The site is approximately 50 metres from the High Accessibility bus corridor and less than 400 metres to Portswood District Centre. Furthermore, it is also important to note that a car free scheme was previously found acceptable by the appeal Inspector, with no changes to the Council's policy with respect of car parking since this time. The proposal is, therefore, considered to be acceptable in this respect.

5.1.3 ***Concern that a new access will be created onto the private road to the rear. The access to bin and bike store interferes with parking bays for 284-296a.***

Response:

Since the road to the rear of the site is a highway (albeit not maintained by the Highway Authority), the occupants of the development would have rights of access over this land. Whilst planning application 11/01447/FUL was partly refused on this basis, this refusal was not supported by the appeal inspector (see paragraphs 12 to 14 of the Appeal Decision in **Appendix 2**). There have been no changes in circumstances since this appeal was considered, meaning the conclusions of the appeal inspector are still applicable.

5.1.4 ***The development is likely to be occupied by students. There are too many flats and HMOs in the area already. The proposal would result in noise and disturbance***

Response:

Whereas the previously approved application (11/01447/FUL) proposed an additional HMO on the site, the current application proposes 3, self-contained, Use Class C3 (dwelling) studio units which is considered to be less likely to generate anti-social behaviour issues. The Council's policies encourage making efficient use of previously developed sites within accessible locations to provide further residential accommodation and, as such, there is no reason to resist the principle of additional flats in this location.

5.1.5 ***Concern that there will be poor refuse management.***

Response:

There is sufficient space on site to store refuse containers in a location that is both convenient for residents to access and containers can be moved to a collection area convenient to the public highway on bin days. Conditions are

suggested to secure full details of the design of the storage before work commences on the development.

5.1.6 ***The roof extensions would result in a loss of light to neighbouring properties and would appear over-bearing and over-dominant when viewed from 284-296 Portswood Road.***

Response:

The scale and massing of the roof extension is identical to the appeal scheme. This application was refused by the Council partly for the impact of the height and massing of the roof alterations and the impact on the neighbouring dwellings. However, this reason was not sustained at appeal (see paragraph 9 of the attached Appeal Decision in **Appendix 2**). The Council's policies with regards to residential amenity have not changed since this decision was made and so the conclusions of the Inspector are still pertinent in the consideration of this application.

5.1.7 ***Over-development of the site due to the existing 6-bed HMO already granted and ground floor flats to be constructed under permitted development.***

Response:

Whilst the current application proposes two more flats compared with the appeal scheme, the number of bedrooms has decreased from 4 to 3. Furthermore, Policy CS5 of the Core Strategy supports high densities (over 100 d.p.h) in locations close to and within the district centres. As such, the level of development is considered to be appropriate in this instance.

5.1.8 ***Loss of trees***

Response:

There are no protected trees on or immediately adjacent to the application site. The application does not propose to remove any trees to accommodate the development.

5.1.9 ***The roof alteration is out-of-character with the street***

Response:

As noted, the scale, massing and appearance of the roof extension is the same as the previous application allowed at appeal. In particular, the Inspector found that "Bearing in mind the pattern to the development in the neighbourhood, with its diversity of building styles and heights, I agree with the appellant that the area lacks visual cohesion and focus. The development would enhance the appearance of the streetscape". Given the similarity between the two schemes and, that the policy and visual context remains the same, it is difficult to now justify a refusal on this basis.

## 5.2 **Consultation Responses**

5.2.1 **SCC Highways** – No objection subject to conditions securing the detail of the cycle and refuse store and landscaping.

5.2.2 **SCC Sustainability** – No objection. Suggests conditions to secure energy and water efficiency measures.

5.2.3 **SCC Historic Environment** – No objection or conditions suggested.

5.2.4 **SCC CIL Officer** – The development is CIL liable.

## 6. **Planning Consideration Key Issues**

6.1 The application needs to be assessed in terms of the following key issues:

- Principle of Development;
- Impact on Character and Amenity and;
- Impact on Highway Safety.

### 6.2 Principle of Development

6.2.2 The proposal would make efficient use of this previously developed site to provide additional residential accommodation. The development would result in a density of 104 dwellings per hectare, in accordance with Policy CS5 of the Core Strategy, which supports densities in excess of 100 dwellings per hectare in locations close to District Centres. The site itself does not lie within a designated centre and, as such, there is no presumption against the loss of the small area of ground floor commercial space. The level and type of accommodation proposed is, therefore, acceptable in principle.

### 6.3 Impact on Character and Amenity

6.3.1 As set out above, the physical form of the development closely follows the appeal scheme (planning application reference 11/01447/FUL). Whilst officers refused the previous application, partly on the basis of the roof alterations, the subsequent appeal inspector found the scheme to be acceptable in terms of both the impact on the character and appearance of the area and on neighbouring residents. Whilst this planning permission can no longer be implemented, the planning policy framework and nature of the site and immediate surrounds remain unchanged. On this basis, the conclusions of the appeal inspector are considered to be directly relevant to this application. Conditions are suggested to secure full details of external materials to ensure a satisfactory finish to the development.

6.3.2 The existing yard area of the south side of the building is approximately 77 sq.m in area. At the moment, this area does not form amenity space for existing

residents within the building. A condition is suggested to provide suitable landscaping and boundary treatment to this area to provide a suitable amenity space area. Given the small, one-bedroom nature of the accommodation proposed, this provision is considered to be acceptable. The studio flats themselves are small, however, outlook from habitable areas would be good and the position of windows would allow for a good level of natural light. As set out above, it is considered to be preferable in terms of amenities of nearby residents to introduce smaller, individual units of accommodation rather than the larger HMO previously consented.

#### 6.4 Parking and Highways

6.4.1 There is no formal car parking provision currently on the site itself and no further car parking is proposed to serve the development. As set out above, this is considered acceptable given the accessibility of the site and having regard to the planning history of the site in which a four-bedroom HMO was approved with no additional car parking.

6.4.2 The road to the rear of site is a public highway, albeit maintained at private expense, meaning it can be relied on, in planning terms, for pedestrian access into the development. Concern regarding the maintenance burden that the development could place on this route is a civil matter to be addressed outside of the planning system. The Highways Team have raised no objection to the proposed pedestrian access into the development and this is also consistent with the conclusions of the previous planning inspector.

#### 6.5 Other Matters

6.5.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £176 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. Subject to securing the recommended mitigation, the application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7. Summary**

7.1 The physical form of the development is consistent with a development already found acceptable at appeal. Given that planning policies and the site and immediate surrounds have not changed significantly since this time, the appeal decision is an important consideration for this application. On this basis, the scale, massing and design approach proposed are considered to be acceptable in terms of the impact on character and amenity. Whilst additional residential units are proposed, the intensity of the development is consistent with adopted policy guidelines for residential density and directly comparable with the impacts that the consented HMO would have on the site and surrounds. On balance, the proposal is, therefore, considered to be acceptable.

## **8. Conclusion**

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

### **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), (g), (vv), 6(a), (b), 7(a)

**JT for 23/05/17 PROW Panel**

## **PLANNING CONDITIONS**

### **01. Full Permission Timing Condition**

The development hereby permitted shall begin no 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. Details of building materials to be used**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of hard landscaping materials (to be permeable), external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this

should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

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

### **03. Cycle storage facilities**

Before the development hereby approved first comes into occupation, secure and covered storage for 3 bicycles (with the installation of Sheffield style cycle stands) shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

### **04. Landscaping detailed plan**

Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; pedestrian access and circulations areas and; hard surfacing materials and an amenity space in the external area to the south of the building;
- 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 and agreed in advance);
- iv. details of any proposed boundary treatment and;
- v. a landscape management scheme.

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.

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.



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

### **05. Refuse & Recycling**

Before the development hereby approved first comes into occupation, the bin storage shall be provided in accordance with the details to be first submitted to and approved in writing by Local Planning Authority. The storage shall be thereafter retained as approved. In addition, the bin store shall be constructed of masonry under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.

Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor. Internal doors/walls/pipework/tap/conduits to be suitably protected to avoid damage cause by bin movements.

The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard coded keypad detail.

The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.

A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

The site management must contact SCC refuse team 8 weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. E mail [waste.management@southampton.gov.uk](mailto:waste.management@southampton.gov.uk)

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. Construction Management Plan**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;

- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

### **07. Hours of work for Demolition / Clearance / Construction**

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 to 18:00 hours

Saturdays 09:00 to 13:00 hours

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.

### **08. Energy & Water**

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

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

### **09. Energy & Water**

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

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

#### **10. Amenity Space Access**

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, as agreed pursuant to condition 4 above, shall be made provided and made available for use of the dwellings and thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space for the existing and future occupiers.

#### **11. Obscure Glazing**

All new windows located on the rear (eastern) elevation and roof slope of the building shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied and thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

#### **12. Restricted use of flat roof area**

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

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

#### **13. Approved Plans**

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
NE4	Protected Species
H1	Housing supply
H7	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)

11/01447/FUL

Refused 13.01.12

External alterations and mansard roof addition to create additional 4 bed flat with roof terrace and associated bin and bike storage.

01. Inappropriate development.

The increased height and massing of the rear elevation including the increased roof form would have an adverse impact on neighbouring dwellings to the rear of the building resulting in an undue sense of enclosure and an overbearing impact when viewed from the dwelling and curtilage of those dwelling houses contrary to policies Policy CS13 of the Southampton Core Strategy (January 2010) and 'saved' policies SDP1 (i), SDP7 and SDP9 (i) of the City of Southampton Local Plan Review (March 2006) as supported by the approved Residential Design Guide Supplementary Planning Document (September 2006).

02. Highway safety

The proposal introduces a primary access to the rear of the site which is not served by an appropriate pedestrian footpath. The main access and the proposed cycle store opens out directly onto existing car parking spaces. Such an arrangement will result in a conflict between the use of the access and existing car parking arrangements for properties 284 to 304 Portswood Road leading to a poor residential environment for future occupants, highway safety issues and potential loss of parking contrary to policies SDP1 (i), SDP5 and SDP7 (iii, iv) of the City of Southampton Local Plan Review (March 2006) and CS13 (11) and CS19 of the Local Development Framework adopted Core Strategy (January 2010).

03. Code for Sustainable Homes and Climate Change

In the absence of any commitment to carry out necessary measures intended to achieve the required Co2 savings and sustainability measures the application has failed to demonstrate that it can satisfy the requirements of the adopted Local Development Framework Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.



## Appeal Decision

Site visit made on 25 June 2012

**by David Harmston FRICS DipTP MRTPI**

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

**Decision date: 25 July 2012**

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**Appeal Ref: APP/D1780/A/12/2169526**

**Tenant Direct, 282 Portswood Road, Southampton SO17 2TD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Hayden Ebert against the decision of Southampton City Council.
  - The application (Ref 11/01447/FUL), dated 24 August 2011, was refused by notice dated 13 January 2012.
  - The development proposed is external alterations and mansard roof addition to create additional 4-bedroom flat with roof terrace and associated bin and bike storage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for external alterations and mansard roof addition to create additional 4-bedroom flat with roof terrace and associated bin and bike storage at Tenant Direct, 282 Portswood Road, Southampton SO17 2TD in accordance with the terms of the application (Ref 11/01447/FUL), dated 24 August 2011, subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years of the date of this permission.
- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings – Nos:- 30595/101; 30595/102; 30595/103; 30595/104A; 30595/105; 30595/106; 30595/107; 30595/108; 30595/109; 30595/110; 30595/111; 30595/112 and SO/Hs/710.1.

- (3) Before the development hereby permitted is commenced, details and samples of all the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and samples.
- (4) The landscape proposals for the site shown on Drawing No:- SO/Hs/710.1 shall be carried out in the first planting season following the completion of the development and shall be maintained for five years. Any trees, shrubs or other plants which die, become seriously diseased or are damaged during this period shall be replaced during the next planting season with specimens of the same size and species.
- (5) Notwithstanding the details shown on the approved plans, the dwelling hereby permitted shall not be occupied until the external amenity space, cycle storage and refuse facilities serving the development, and the pedestrian access thereto, have been completed and made available for use by the occupants in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These elements of the development shall be kept available for their permitted use at all times for the benefit of the occupants of the dwelling.
- (6) The dwelling hereby permitted shall at no time be occupied by more than six unrelated individuals.
- (7) The roof area of the development hereby permitted shall not be used as a balcony, terrace, roof garden or similar amenity area at any time.
- (8) No building operations, site clearance or demolition of the existing building shall take place on the site otherwise than between 0800 hours and 1800 hours on Mondays to Fridays, 0900 hours and 1300 hours on Saturdays and at no time on Sundays or Bank and Public holidays.

### **Preliminary Matters**

2. For reasons of clarity, I have adopted the description of the development as stated in the Council's decision notice. Reason three of the Council's decision notice concerns the absence of any commitment to carry out the necessary measures to achieve the required Co2 savings and sustainability measures in accordance with the relevant policy of the Local Development Framework Core Strategy and the Council's Residential Design Guide. However, within its representations, the Council states that it accepts that the SAP calculations submitted by the appellant on 22 February 2012 are sufficient to overcome that reason. I shall therefore address that matter no further.
3. In determining this appeal I have taken account of the recently published

National Planning Policy Framework. The Local Plan was adopted in March 2006 and the Local Development Framework (LDF) Core Strategy in January 2010. As such the local policy context is relatively up to date and none of the relevant development plan policies are inconsistent with the Framework. Whilst the policies in the Framework have been considered, in the light of the facts of this case, they do not alter my overall conclusions on this matter.

## **Main Issues**

4. With the above considerations in mind, the outstanding main issues in this appeal are, firstly; whether the height and massing of the development would be so unneighbourly because of its impact on the adjoining dwellings that the proposals are unacceptable for that reason and, secondly; whether the proposed layout of the development in respect of the access arrangements to the development and the cycle store would result in unacceptable conflicts between pedestrians and vehicles to the detriment of highway safety and convenience with a possible loss of car parking spaces.

## **Reasons**

5. The building the subject of this appeal lies in a prominent position on the east side of Portswood Road within a densely-developed neighbourhood of mixed uses. It is in use for commercial and residential purposes on the ground floor with residential accommodation above. To the side and rear of the building and parallel to the main road is a short, brick-paved spur road fronting which are residential properties (Nos 284 – 304 Portswood Road). Car parking takes place on this area as well as within the curtilages of the adjacent properties. At the time of my visit extensive roadworks were taking place within the vicinity of the site with traffic control and restrictions to access.
6. It is proposed to construct a new rear entrance to the building to serve an additional four-bedroom residential unit to be constructed at roof level and to be occupied as a Use Class C4 HMO for up to six people. This would be achieved by removing part of the existing roof and replacing it with a new flat roof occupying just less than half the building's length with a mansard set back from the parapet. It is stated that the design of the development is intended to be 'modern' being a positive improvement to the streetscape and the outlook from the nearby dwellings. The overall height of the altered building would be comparable to that of Nos 284 – 304 Portswood Road.
7. The Council acknowledges that its *Residential Design Guide* encourages the introduction of taller buildings at street corners, but this cannot be universally applied. In some situations, such as in this case, such forms of development will be unsuitable because of the scale and proportion of the adjoining



structures. An unacceptable sense of enclosure and overpowering impact would be experienced by the residents of the nearby dwellings to the rear of the site meaning that the proposals would be in conflict with Policies SDP1 (i), SDP7 and SDP9 (i) of the City of Southampton Local Plan Review (March 2006) as well as Policy CS13 of the LDF Core Strategy.

8. On the first main issue whilst the bulk and scale of the roof would be greater, and its appearance in the streetscene would be markedly different to that existing with the introduction of fenestration at second floor level and its altered configuration and character, that does not mean that it would necessarily be unacceptable for such reasons. I noted the presence of other three storey buildings within the vicinity of the site and I do not consider that the altered and extended building in the manner proposed would appear either incongruous or visually intrusive in this location despite the physical prominence of the site. A wide variety of building styles exists locally and this development would add interest and innovation to the area without being the cause of undue harm to its character and appearance. The height of the structure would not be materially greater than exists now and would not be excessive when perceived in the context of the nearby buildings.
9. Cogent evidence has been adduced demonstrating that there would be no significant reduction in the amount of daylight reaching the adjoining properties. The design of the development is such that no undue overlooking or other loss of privacy need occur to any nearby dwelling (subject to a restriction of use being placed on the roof area). With the distances involved and the scale, bulk and height of the development I do not consider that the visual amenity of the residents of Nos 284 – 304 Portswood Road would be unduly harmed nor would they experience any overpowering or domineering impact from the altered structure.
10. Whilst there would be a marginal deficit in the degree of separation between the windows in the mansard roof and the adjoining properties as advocated at paragraph 2.2.4 of the *Residential Design Guide* the incidence of possible overlooking would not be significant and would be no more intrusive than could be expected within a densely developed area such as this where buildings are often positioned in proximity to each other.
11. Bearing in mind the pattern to the development in the neighbourhood, with its diversity of building styles and heights I agree with the appellant that the area lacks visual cohesion and focus. The development would enhance the appearance of the streetscape without creating any unacceptable harm to the adjoining residents. I therefore consider the proposals to be compliant with Policies SDP1 (i), SDP7 and SDP9 (i) of the City of Southampton Local Plan Review (March 2006) as well as Policy CS13 of the LDF Core Strategy.

12. On the second main issue, the status and ownership of that section of the highway facing Nos 284 – 304 Portswood Road appears to be uncertain. Whilst I have studied all the information supplied to me in this respect it seems to me that its current use as a means of vehicular access and for car parking purposes would not be materially affected by the development. Whilst a small section of the car parking frontage next to the building might be lost because of the position of the new access it would be disproportionate and unreasonable to resist the development for this reason.
13. In my opinion, the development would not unduly compromise the level of highway safety pertaining in this location. Vehicle speeds on the road are likely to be low and I do not consider the arrangement that would be created to be uncommon within urban areas where, for instance, pedestrian entrances and access to bin stores at the rear of properties often open directly onto service roads or similar rights of way used by cars. The access facilities to the dwelling and its cycle storage and bin areas would be typical of the arrangements often to be found in urban areas such as this.
14. Whilst these arrangements would not be ideal, I do not consider that they would be so sub-standard, or their use so hazardous or inconvenient, that the development should be resisted for such a reason. In my conclusion on this issue, the benefits of providing an additional dwelling unit in the form of an HMO in this area outweigh the possible forfeiture of such car parking provision as is available in this location and the unconventional form of access to the development. For these reasons I conclude that such measure of conflict as could exist between the development and Policies SDP1 (i), SDP5 and SDP7 (iii and iv) of the Local Plan and Policies CS13 (11) and CS19 of the LDF Core Strategy should not override the positive features of the proposals.
15. Concerning conditions, I have considered those suggested by the Council and the appellant's response thereto in the light of Circular 11/95 (*The Use of Conditions in Planning Permissions*) and all the circumstances of this case. Apart from the statutory time duration of the permission it is necessary to control the details of the external materials of the development, in the interests of visual amenity. I have specified the approved drawings in the interests of proper planning and for the avoidance of doubt noting that Drawing No:- 30595/104A is the revised version of the proposed floor plans which omits the roof terrace/balcony. I have imposed a condition restricting the use of this area to avoid overlooking and loss of privacy to the nearby dwellings. The landscaping of the site should be undertaken in accordance with the approved drawing (No:- SO/Hs/710.1), in the interests of visual amenity and I have imposed an appropriate condition accordingly.
16. Pursuant to the comments on the matter made by the appellant, the details of the bin stores and cycle storage areas, and the access, should be subject to an

approval by the Council and I have imposed a condition in this respect. To retain control over the occupancy of the dwelling unit as an HMO I agree with the Council that an appropriate condition is necessary and reasonable, in the interests of residential amenity. Finally, within this tightly-knit neighbourhood I agree that a condition should be imposed restricting the hours during which construction works can take place, in the interests of amenity.

17. I have considered and taken into account everything else that has been raised in relation to this appeal and I have afforded weight in the planning balance to all the points made in opposition to this proposal but nothing overrides my conclusions above and the reasons for them.

*David Harmston*

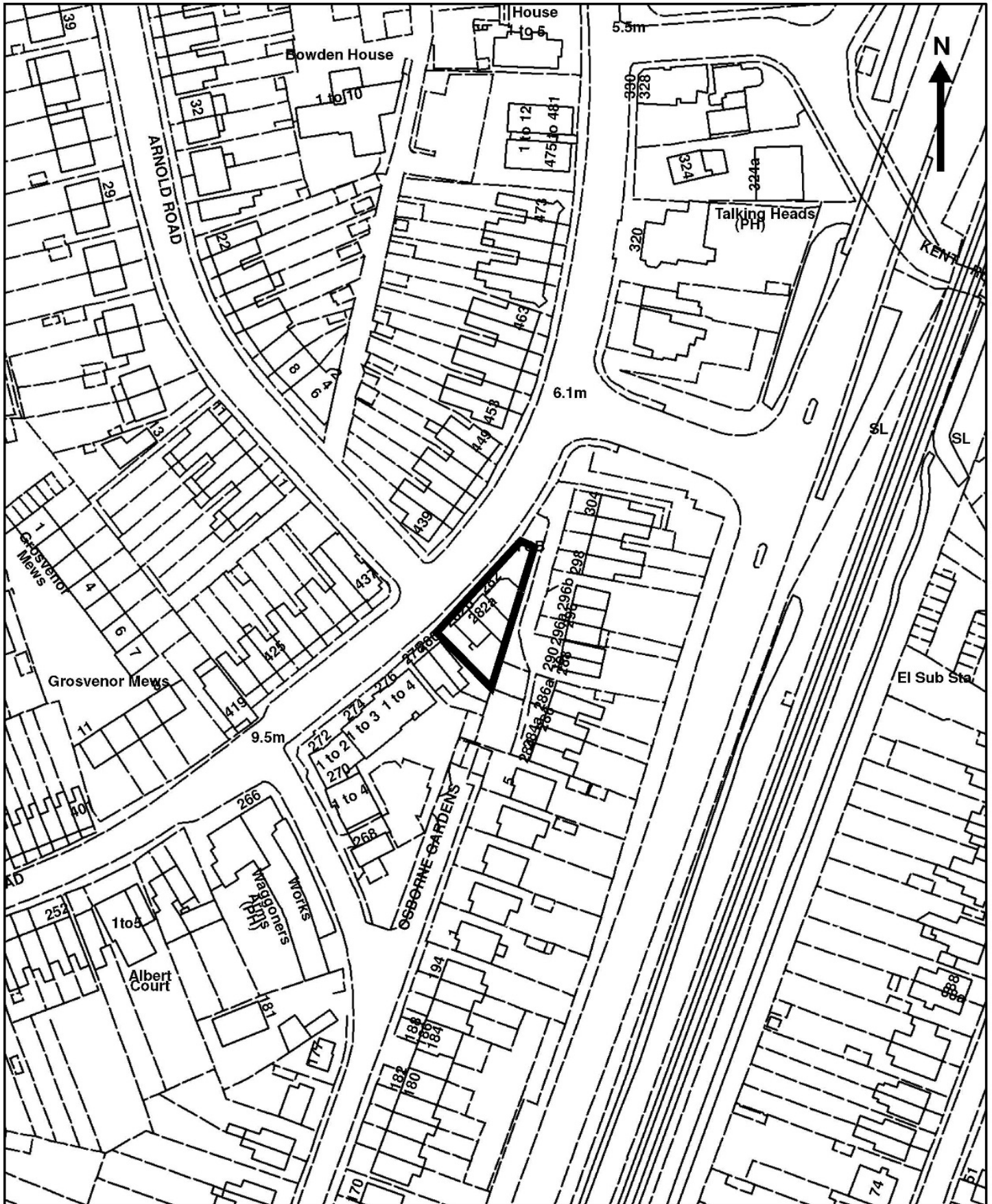
Inspector

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# Agenda Item 6

# 16/01750/FUL

Appendix 1



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# Agenda Item 7

## Planning and Rights of Way Panel 23<sup>rd</sup> May 2017 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

<b>Application address:</b> Ground Floor Retail, Telephone House, 73 High Street, Southampton			
<b>Proposed development:</b> Erection of a detached fridge/freezer store with canopy and installation of extractor vent (submitted in conjunction with 16/02032/ADV) (part retrospective)			
<b>Application number</b>	16/02031/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	30.05.2017 (Extension of Time Agreed)	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	More than 5 objections	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Paffey

<b>Applicant:</b> Mr Shaju Tarafdar	<b>Agent:</b> George Tutte and Associates
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	N/A
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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 such as noise and odour and its siting in the Old Town South Conservation 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, particularly, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and thus planning permission should therefore be granted for the reasons given to the Planning and Rights of Way Panel on 23<sup>rd</sup> May 2017. Policies - SDP1, SDP7, SDP16 and HE1 of the City of Southampton Local Plan Review (Amended 2015) and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the relevant sections of the National Planning Policy Framework (2012)

<b>Appendix attached</b>			
1	Development Plan Policies	2	Previous scheme 15/00169/FUL

### Recommendation in Full

**Conditionally approve**

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

- 1.1 The application relates to a building known as Telephone House on a corner site in the old town. The ground floor unit of this predominantly residential development has been converted into a cafe with an external eating area which is enclosed using a combination of wood fencing (adjacent to Gloucester Square) and glass and metal balustrades fronting the High Street in line with permission 04/01783/FUL. The site is located within the Old Town South Conservation Area.
- 1.1 The approved hours of opening are 08.00am to 23.30pm. Since the approval in 2004, until a couple of years ago, the site was used as the offices for the company selling the flats above.

## **2.0 Proposal**

- 2.1 The proposal seeks permission for a shed to house external fridges and freezers and an external ventilation duct on the rear elevation which is already in situ. The fridges and freezers would be normal domestic ones that would only produce a maximum noise level of 40 decibels (Db) and would be sited on an acoustic mat. The fridges/freezers are to be stored externally due to limited storage in the café itself. With respect to the proposed ventilation system a normal domestic kitchen extract fan system has been installed. The shed itself is wooden with a window and door and would be 1.4 metres wide and 2.6 metres deep with a canopy to house the chairs and tables when not in use. The ventilation duct vents into the seating area and is minimal in design and looks like a small square grille at fascia level. An extraction flue running up the building is not proposed.

## **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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

## **4.0 Relevant Planning History**

- 4.1 In terms of planning history planning application number 04/01783/FUL was for the partial redevelopment of the site comprising:

*Change of use, conversion and alteration (including partial demolition) of the existing 8-storey office building to provide a mixed use development comprising of 128 residential units (41 x 1 bed, 76 x 2 bed and 11 x 3 bed), ground and first floor offices (435sqm), a retail kiosk (41sqm) (Class A1), and a food and drink unit (68sqm) with external dining area (Class A3) or information - interpretation centre with external display area (Class D1), together with the erection of a 6-storey front extension to the High Street and an 7-storey side extension to*



*Briton Street with the inclusion of car-parking at ground floor level and the formation of an internal upper deck level of car-parking to the east of the building. This was approved on 30<sup>th</sup> June 2005 and has been fully implemented.*

4.2 In 2015 works were undertaken to the site to install a raised permanent outdoor seating area, install a shed and a raised boundary treatment without planning permission. A retrospective application was submitted; 15/00169/FUL for the erection of a shed and outside seating area (retrospective) was refused on the 1<sup>st</sup> April 2015 (plans can be found in **Appendix 2** of this report) and the structures removed.

4.3 The reason for refusal read as follows:

*The enclosed external seating area and shed, due to the prominence of the site and the design and external materials chosen to undertake the development, result in a development which are out of keeping with the character of the area and would detract from the character and appearance of the Old Town South Conservation Area within which the site is located. Furthermore due to the proposed hours of use and location of the seating area the development would have a detrimental impact on adjoining and adjacent occupier's residential amenities both in terms of noise levels and smoke from further users of the café. As a result the proposal is considered to be poorly considered and thereby contrary to the provisions of CS13 and CS14 of the adopted Southampton City Council Local Development Framework Development Plan Document (January 2010) and saved policies SDP1, SDP7, SDP9, SDP16, REI7 and HE1 (i) of the adopted City of Southampton Local Plan (2006).*

## **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, erecting a site notice (16.12.2016) and by posting an advertisement in the local press (16.12.2016). At the time of writing the report **20** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 Concerned about the impact of noise and fumes for the residential properties above

*Response: The development of the site was approved in 2005 and the unit was always intended to be a café use. The City Council's Environmental Health Team were consulted on that, and this, scheme and have confirmed that the proposed use and associated extraction vent and fridge/freezer store would not give rise to excessive noise or statutory odour nuisance detrimental to the residential amenities of adjoining residential occupiers. With regard to the established and lawful use this is not relevant to the determination of this application, however, officers can advise hours of use are already restricted. A planning condition was imposed on the original permission to secure this. Provided that the use is operated in accordance with this condition the proposed use is not considered likely to result in the loss of amenity for adjoining residential occupiers.*

5.1.2 Concerned about impact on conservation area

*Response: No objection has been raised by the Council's Conservation Officer and the application has been assessed in line with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposed development is visible from public view but does not look out of place in this commercial context. The mature tree in the seating area also mitigates the direct impacts of the development.*

5.1.3 Late night use

*Response: The hours of use for the café and seating area were approved in 2005 and do not form part of this assessment for this application.*

5.1.4 Concerned about highway safety

*Response: No objection has been raised by the Council's Highway Officer. The proposal only relates to a store and extract vent and therefore highway safety is not particularly relevant to the assessment of this proposal.*

5.1.5 Concerned about rodents

*Response: No objection has been raised by the Council's Environmental Health Officer and this issue should be dealt with using other statutory powers.*

5.1.6 Concerned about smoke from the seating area

*Response: It is noted that residential properties lie above the seating area and officers understand the concern raised. However, this proposal does not relate to the use of the seating area for customers as this issue would have been assessed at the application stage for the redevelopment of the site. Residents of Telephone House should have been aware when they moved in that the ground floor had permission for a café with external area as both uses were approved under the same permission.*

5.1.7 Impact on the tree

*Response: The siting of the shed is a distance away from the tree and would be positioned on the existing surface and would therefore not affect the trees root protection zone.*

5.1.8 Similar to application refused

*Response: The refused scheme related to a much larger store and a raised seating area which resulted in poor boundary treatment and a detrimental impact on the conservation area. These structures have been removed bar part of the fencing adjacent to the entrance car park in Grosvenor Square.*

5.1.9 The fence remains in situ and should have been removed.

*Response: It is noted that part of the fence has not been removed but this separates the unit from the car parking spaces and did not concern officers during the previous application stage.*

5.1.10 The use is not as a café but as a shisha bar

*Response: The café has now opened and is not a shisha bar. This has been confirmed by the agent and following a site visit by officers. The use of the café does not form part of the proposal to be assessed.*

## 6.2 Consultation Responses

### 6.2.1 SCC Environmental Health (Pollution & Safety): No objection

Following a perusal of the associated documents Environmental Health officers can confirm that our Service no objection to this application as the potential noise/odour issues have been satisfactorily addressed.

### 6.2.2 SCC Historic Environment: No objection

The proposed freezer store is located adjacent to Scheduled Monument number 298, however it will be largely screened from the street view in Gloucester Square by the existing wooden fence. It is set some distance back from the High Street frontage, and, subject to the design of and materials used for the roof, it is not considered to be harmful to the character and appearance of the conservation area.

### 6.2.3 SCC Highways: No objection

No highway objections

### 6.2.4 City of Southampton Society: Concerns Raised

The proposals are inadequately drafted for an opinion, however we sympathise with the neighbours who object to potential noise and smell from the extractor vent.

## 7.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The impact in terms of residential amenity; and
- iii. The acceptability of the proposal in terms of visual amenity and the conservation area.

### 7.2 Principle of Development

7.2.1 The principle of have external extraction and ventilation equipment was accepted at the application stage when a café use was approved for this unit. The external appearance of the system is minimal in nature as only a grille is visible. In terms of the external store, it would be sited in an area stepped back from the main street scene. Although it is not ideal that an external store is required, the use of the store is in line with the use of the café as it would be used to store associated food and drink. The principle of development for both the ventilation grille and external store is acceptable subject to the impact in terms of noise, odour, and visual amenity.

### 7.3 Residential Amenity

7.3.1 The closest residential properties to the application site are located directly

above. The ventilation system comprises an extraction system routed internally with the only external element being a grille at ground floor to the rear. Officers are satisfied that the extraction flue is sited appropriately, ensuring it does not cause statutory odour or noise nuisance if the development is carried out in accordance with the submitted details. With this type of system carbon grilles are used to capture the odours and providing the filters are maintained is an acceptable solution for this city centre location. The alternative would be an external flue running the full height of the building, which would have a detrimental impact upon the character of the conservation area.

7.3.2 The ventilation scheme put forward is acceptable to both Planning and Environmental Health (EH) departments. EH officers are satisfied that this will not result in statutory odour or noise nuisance due to the details specified. The system will be monitored by the EH team. On the noise side all plant is installed internally so there should not be an issue with noise nuisance.

7.3.3 With respect to the external store the fridge/freezer will be domestic units and therefore the noise will be minimal. On this basis no objection is raised by EH officers. The siting of the external store is set as far away as possible from neighbouring occupiers and the housing of the fridge/freezer, within a wooden structure, located on an acoustic mat reduces the impact further. Provided that the ventilation and the siting of fridge and freezers is installed and operated in accordance with the planning conditions which have been recommended, no loss of amenity is considered likely.

#### 7.4 Impact on the conservation area and visual amenity

7.4.1 The installed extract grille is a minor change to the building and would not be a significant addition within the wider street scene.

7.4.2 The external store would be visible but is partially hidden by the existing boundary treatment. The siting in the corner adjacent to the car park entrance means that the impact on the main street scene at High Street is reduced. No objection has been raised by the Conservation Officer on grounds that the proposal would harm the Old Town South conservation area. The current proposal would be sited appropriately to the rear and would have a limited impact on the visual appearance of the wider streetscene and the conservation area. In line with section 72 of the of the Planning (Listed Building and Conservation Areas) Act 1990 regard has been paid to ensuring that the development, at least, preserves or enhances the character or appearance of the conservation area. As such, the proposal is considered to be acceptable in terms of visual amenity and compliant with the Development Plan policies listed at **Appendix 1**.

#### 8.0 Summary

8.1 The proposed scheme is policy compliant with issues relating to the principle of development, design, impact on the conservation area and residential amenity being adequately addressed for the reasons given in this report.

#### 9.0 Conclusion

9.1 The recommendation is for conditional approval.

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

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

**ARL for 23/05/17 PROW Panel**

**PLANNING CONDITIONS**

**1. Details of building materials to be used (Pre-Commencement Condition)**

Details of the external materials to be used in this development shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the external stores hereby approved. 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.

**2. Extraction Equipment**

The extraction equipment hereby approved (details set out in letter GHT/CLT/8967 dated 16<sup>th</sup> February 2017 and email dated 14<sup>th</sup> March 2017) shall be maintained in accordance with the details submitted. These measures shall be retained thereafter for the lifetime of the development.

Reason:

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

**3. Refrigeration equipment**

The fridge and freezers to be installed within the external store shall comply with the details set out in letter GHT/CLT/8967 dated 16<sup>th</sup> February 2017 and email dated 14<sup>th</sup> March 2017 unless agreed otherwise in writing by the Local Planning Authority.

Reason:

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

**4. Approved Plans**

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

Reason:

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

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**Application** 16/02031/FUL

**APPENDIX 1**

## **POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13          Fundamentals of Design  
CS14          Historic Environment

City of Southampton Local Plan Review – (as amended 2015)

SDP1          Quality of Development  
SDP7          Context  
SDP16        Noise  
HE1          New development in conservation areas

Other Relevant Guidance

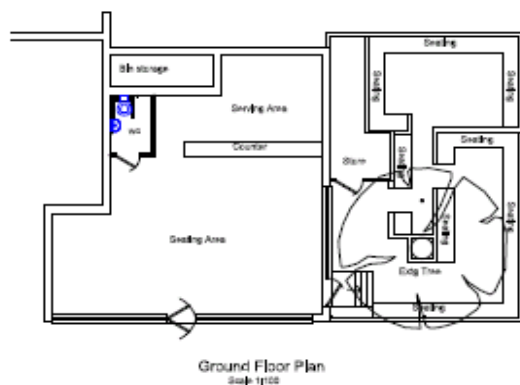
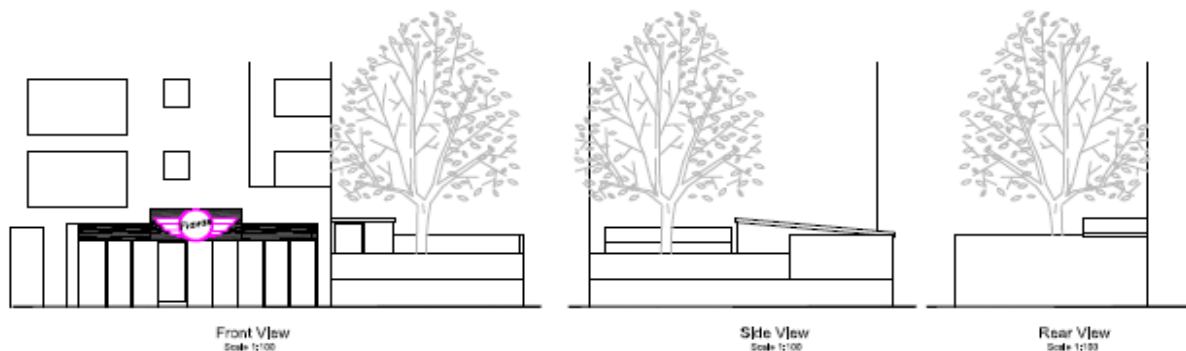
The National Planning Policy Framework (2012)

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Application 16/02031/FUL

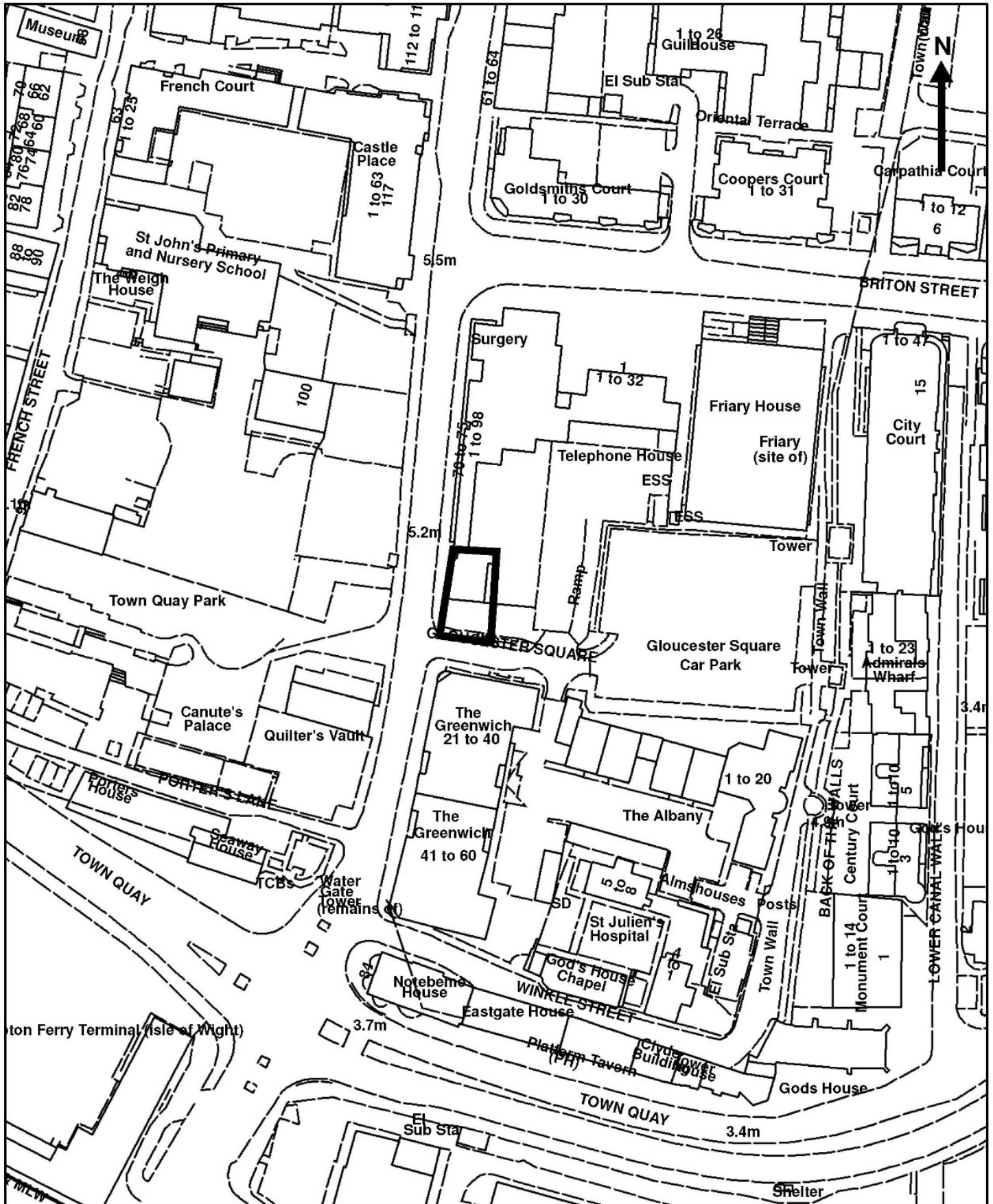
APPENDIX 2



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# Agenda Item 7 16/02031/FUL

Appendix 3



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# Agenda Item 8

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 23<sup>rd</sup> May 2017  
Planning Application Report of the Service Lead; Infrastructure, Planning and  
Development**

<b>Application address:</b> 11 St Aubins Avenue			
<b>Proposed development:</b> Erection of part single, part two storey rear extension with alterations to roof to include hip to gable extension with side facing dormer to facilitate loft conversion			
<b>Application number:</b>	17/00117/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Jenna Turner	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	27.03.17	<b>Ward</b>	Sholing
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr Wilkinson Cllr Baillie Cllr Hecks
<b>Referred to Panel by:</b>	Cllr Hecks	<b>Reason:</b>	Excessive depth and impact on the adjoining property to the east.
<b>Applicant:</b> Mr Michael Blackwood		<b>Agent:</b> N/A	
<b>Recommendation Summary</b>		<b>Conditionally Approve</b>	

<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015); CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and The Residential Design Guide Supplementary Planning Document 2006.

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

### Recommendation in Full

**Conditionally approve**

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

- 1.1 The application site comprises a detached two-storey dwellinghouse, located within a residential street of similar style properties. The area is suburban in character. The property is located within a generous size plot and there is an existing single-storey extension to the rear of the dwelling.

## **2. Proposal**

- 2.1 The application proposes extensions to the rear of the property which comprises a part single-storey extension and a part two-storey extension, with accommodation in the roof space. The two-storey extension would project an additional 2.16 metres to the rear of the property from the original rear building line and would have a gabled roof form to provide roof-level accommodation. The single-storey extension has a flat roof design and would project a further 5.18 metres to the rear (a combined depth of 7.34 metres with the first floor element). This would be just under 4 metres deeper than the existing single-storey rear extension, proposed to be demolished. In addition to this, a pitched roof dormer window would be provided to the west-side roof slope of the property.
- 2.2 The extensions would facilitate the provision of a larger kitchen/living space at the ground floor, larger bedroom and additional bathroom at first floor and two loft rooms.

## **3 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and seeks high quality building design which respects the surrounding area in terms of scale and massing. Policy CS13 (Fundamentals of Design) of the Core Strategy assesses the development against the principles of good design.

## **4 Relevant Planning History**

- 4.1 In 2013 planning permission was approved for a first floor rear extension with side and rear dormer windows (planning application reference 13/01474/FUL). This permission was not implemented and has now lapsed. A copy of the approved plans are included as **Appendix 2**.

## **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. At the time of writing the report **1** representation have been received from Ward Councillor Hecks. The following is a summary of the relevant points raised:

5.2 ***The excessive depth of the extension would have a harmful impact on the amenities of the occupiers to the east of the site (no. 13). The proposal represents an over-development of the site.***

### **RESPONSE:**

The proposed extensions would project approximately 2.6 further to the rear than the neighbouring single-storey extensions at no. 13. The projection of the two-storey element is limited in depth and the presence of a driveway between the two properties ensures that the impact of the proposal would not be harmful to the neighbouring occupiers. In terms of the single-storey extension, the flat-roof design and, therefore, minimal height, together with the separation to the neighbour at no. 13 and extensions to the rear of this property will ensure this part of the proposal is also not harmful to residential amenity. The extensions would leave a significant rear garden (in excess of the Residential Design Guide Standards) meaning that the plot would not appear over-developed as a result of the development.

## **6 Planning Consideration Key Issues**

6.1 The application needs to be assessed in terms of the impact on the character of the area and on the amenities of local residents.

6.2 Design and Impact on Character:

6.3 The Local Plan and the Core Strategy support development that respects the character, scale, massing and appearance of the local area. The Residential Design Guide provides more specific guidance with regards to the design of extensions to dwellings. In particular, it requires extensions to not dominate the appearance of the house; leave adequate garden space and; respect the roof form and pitch of the main house. Flat roof extensions are resisted where the storey height of the extension is similar to the original building. Dormer windows should adopt the roof form of the main house and kept away from the ridge, eaves and verges of the main roof.

6.4 The second floor accommodation is designed within the roof space, maintaining a pitched, tiled roof and with sympathetic proportions to the main dwelling. Whilst the original roof pitch is altered, designing the gable to the rear of the property minimises the impact of this change on the character of the area. Furthermore, the limited projection of the two-storey element ensures that the additions do not appear over-dominant. Whilst a number of alterations are proposed, the detached nature of the dwelling and the spacious nature of the plot means that the works can be accommodated without the plot appearing over-developed. The proposed side dormer window would be visible from the street, however, it is designed with a pitched roof and set back from the front of the dwelling, with spacing between

the dormer and the original eaves line and ridge line of the dwelling. Furthermore, the dormer itself does not dominate the western roof slope. As such, this element is considered to integrate well with the design of the dwelling and the street scene as a whole.

#### 6.5 Impact on the amenity of residents.

6.6 The rear extensions would be built up to the boundary with the neighbouring property at no. 13. The neighbouring property has been previously extended at ground floor level. At first floor level, the window closest to the boundary with the application property serves a bathroom. The proposed two-storey extension would not project as far as the neighbouring ground floor extensions meaning that this element would not impact on the enjoyment of the garden of this neighbour, nor adversely affect outlook from and daylight to rear-facing ground floor windows in the neighbouring dwelling. At first floor level, the modest rearward projection of the proposed two-storey extension would ensure that this extension would not adversely affect outlook from and daylight to first floor habitable room windows in the rear elevation of the neighbouring property. There is a gap of over 3 metres between the proposed extension and the boundary with no. 9. This gap is sufficient to ensure that the proposals would not have a harmful impact on the outlook and daylight of this neighbour.

6.7 Whilst the single-storey extension has a substantial rearward projection, its height is limited by the flat-roof design and its impact minimised by the presence of extensions to the rear of the neighbouring property at no. 13 and an intervening driveway. The height of the extension means that a harmful over-shadowing impact would not occur as a result of the development. Furthermore, it is important to note that, in the absence of objections from the adjoining neighbours, a single-storey extension could be built to the same depth without requiring planning permission.

6.8 No habitable room windows are proposed on the side elevations or roof slope of the extensions and so a condition is suggested to ensure that all new side-facing windows are obscure glazed and fixed shut up to a height of 1.7 metres from the internal floor level. This will ensure no harmful overlooking of the neighbouring properties.

6.9 The length of the rear garden of the property means that the introduction of the gable end and roof-level windows would not result in a harmful loss of privacy to neighbours beyond the rear boundary of the site.

### 7 Summary

7.1 The proposed extensions would not result in significant harm to the character and appearance of the area. The spacing between properties, and limitation of the projection of the two-storey extension means that the impact of the proposal would not be harmful to neighbouring occupiers. Whilst the single-storey extension has a deep projection, its limited height and the detached nature of the property means that this would not have a harmful impact on residential amenity.

### 8 Conclusion



8.1 Taking a balanced assessment of the details discussed above, this application is recommended for approval for the reasons set out above.

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

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

1a, b, c, d, 2b, d, g, 4f, 6a,

### **JT for 23.05.17 PROW Panel**

#### **PLANNING CONDITIONS**

01. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no 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. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. Obscure Glazing (Performance Condition)

All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

04. Approved Plans

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13            Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1            Quality of Development  
SDP7            Urban Design Context  
SDP9            Scale, Massing & Appearance  
H7                The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

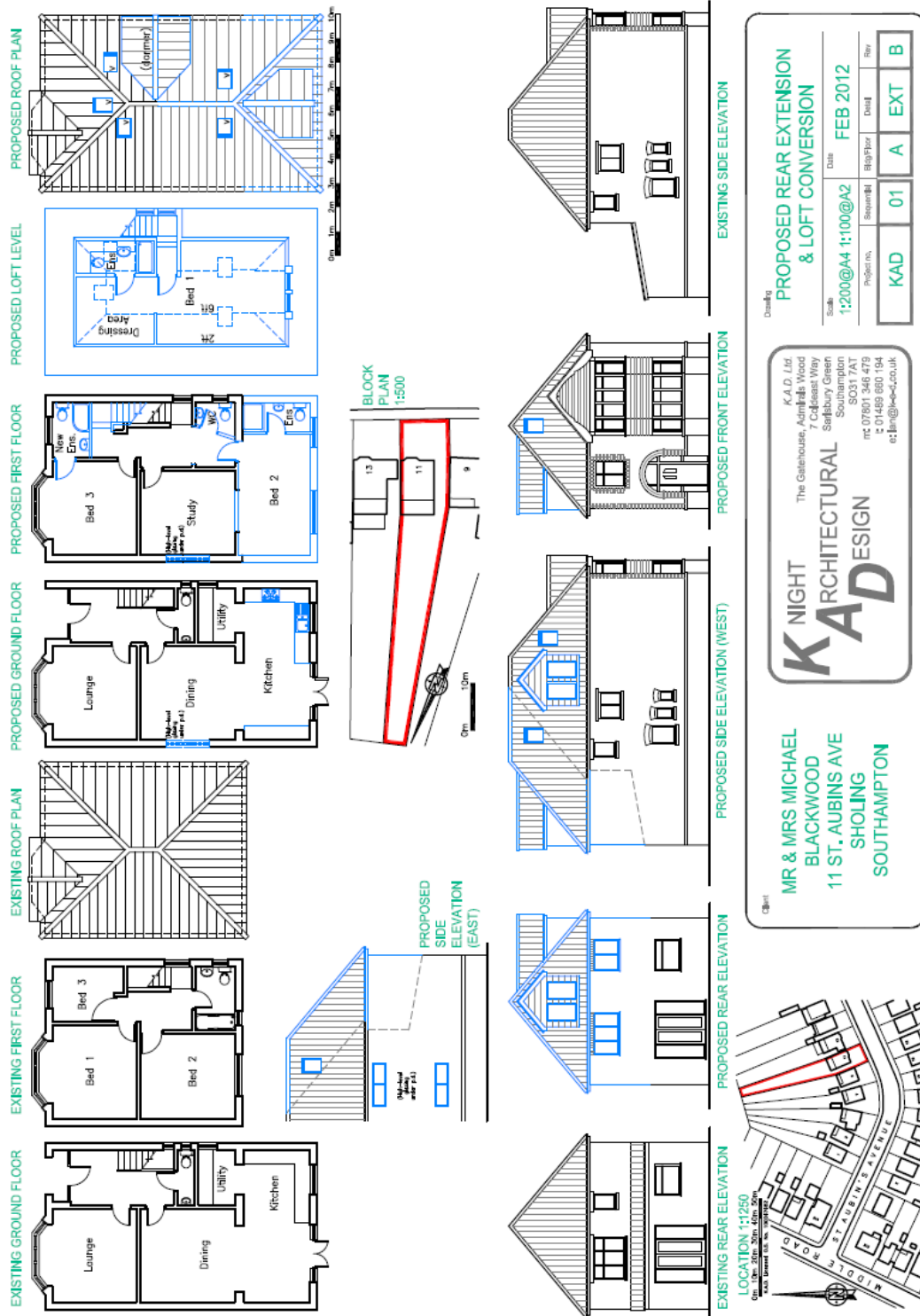
Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

13/01474/FUL – First floor rear extension with side and rear dormers – Conditionally Approved 05.11.13

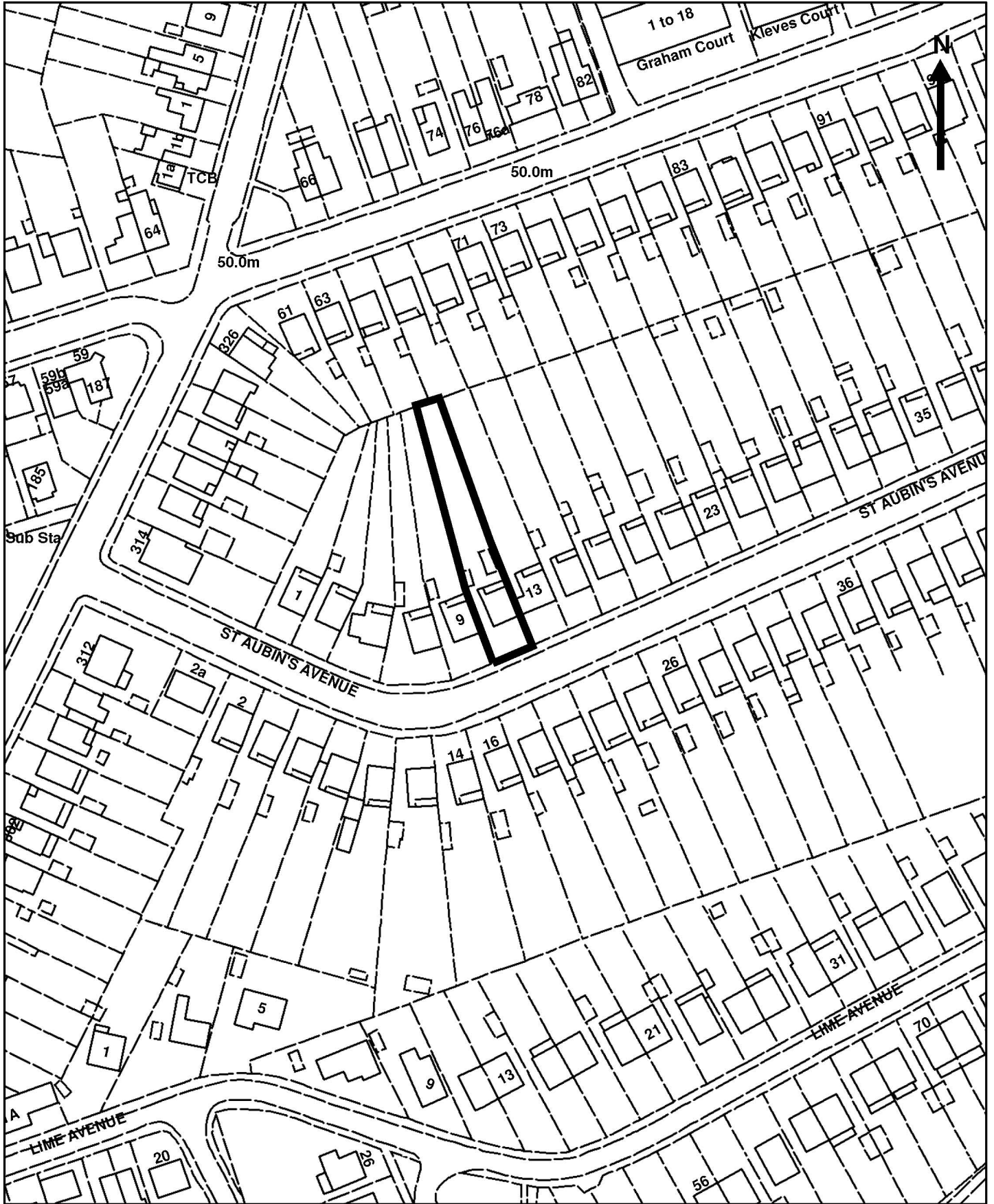




# Agenda Item 8

# 17/00117/FUL

Appendix 1



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