

# Planning and Rights of Way Panel

Tuesday, 20th June, 2017  
at 6.00 pm

## **PLEASE NOTE TIME OF MEETING**

Conference Room 3 and 4 - Civic  
Centre

This meeting is open to the public

### **Members**

Councillor Denness (Chair)  
Councillor Savage (Vice-Chair)  
Councillor Barnes-Andrews  
Councillor Claisse  
Councillor Hecks  
Councillor Murphy  
Councillor Wilkinson

### **Contacts**

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## PUBLIC INFORMATION

### **ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL**

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

### **PUBLIC REPRESENTATIONS**

Procedure / Public Representations

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

### **SOUTHAMPTON CITY COUNCIL'S PRIORITIES**

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

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

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**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.

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**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	13 March
30 January	3 April
20 February	24 April

## CONDUCT OF MEETING

### TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

### BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

### RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:  
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
  - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
  - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **OTHER INTERESTS**

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **PRINCIPLES OF DECISION MAKING**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

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

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

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

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

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

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

(Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 23rd May 2017 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 PLANNING APPLICATION - 16/01899/FUL - UPPER SHIRLEY HIGH**

(Pages 9 - 26)

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

### **6 PLANNING APPLICATION -17/00607/FUL- 123 UPPER SHIRLEY AVENUE**

(Pages 27 - 42)

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 - 17/00333/FUL- 8-9 PREMIER PARADE, FOREST HILLS DRIVE**

(Pages 43 - 54)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval 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 23 MAY 2017

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Present: Councillors Denness (Chair), Barnes-Andrews, Claisse (except Minute number 6), Hecks (except Minute Number 8), Murphy (not present for Minute Numbers 4-6), Savage and Houghton

Apologies: Councillors Wilkinson

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

It was noted that following receipt of the temporary resignation of Councillor Wilkinson from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Houghton to replace them for the purposes of this meeting.

2. **ELECTION OF VICE-CHAIR**

**RESOLVED** that Councillor Savage be elected as Vice-Chair for the 2017/2018 Municipal Year.

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

**RESOLVED:** that the minutes for the Panel meeting on 4 April 2017 be approved and signed as a correct record.

4. **PLANNING APPLICATION - 16/01750/FUL - 282 PORTSWOOD ROAD**

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

Erection of additional floor to provide 3 x studio flats.

Jill Brown and Peter Silvester (local residents/ objecting), Simon Reynier (City of Southampton Society) and Councillor Claisse (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Barnes-Andrews,  
Hecks and Savage

AGAINST: Councillor Houghton

**RESOLVED** that the Panel:

- (i) Delegate to the Service lead: Planning, Infrastructure and Development 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.
- (ii) 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 Service lead: Planning, Infrastructure and Development will be authorised to refuse permission on the ground of impact on the conservation of species and protected habitats.

NOTE: Councillor Claisse declared an interest in this item and withdrew from the meeting after making a presentation against the officer recommendation. Councillor Murphy had withdrawn from the meeting.

5. **PLANNING APPLICATION - 16/02031/FUL - 73 HIGH STREET**

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

Erection of a detached fridge/freezer store with canopy and installation of extractor vent (submitted in conjunction with 16/02032/ADV) (part retrospective)

Billy Shepherd and Lynn Flacco were present and with the consent of the Chair, addressed the meeting.

The Panel considered the recommendation to grant conditional planning permission. Concern was raised due to the prominence of the site, the design and external materials chosen to undertake the development, Councillors indicated that would result in a development which is out of keeping and would detract from the character and appearance of the Old Town South Conservation Area within which the site is located and furthermore harm the setting of Scheduled Monument number 298 adjacent to the site. Upon being put to the vote the recommendation was lost.

A further motion to refuse to grant conditional planning permission for the reasons set out below was then proposed by Councillor Denness and seconded by Councillor Claisse.

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

REFUSAL REASON - Impact on the historic character of the area

The materials and siting of the proposed shed and canopy would result in a development which is out of keeping, would detract from the character and appearance



of the Old Town South Conservation Area and would harm the setting of Scheduled Monument number 298 adjacent to the site. As a result the proposed development is contrary to the provisions of CS13 and CS14 of the adopted Southampton City Council Local Development Framework Development Plan Document (2015) and saved policies SDP1 and HE1 (i) of the adopted City of Southampton Local Plan (2015) and policy AP16 of the City Centre Action Plan (2015).

NOTE: Councillor Murphy had withdrawn from the meeting.

6. **PLANNING APPLICATION - 17/00117/FUL - 11 ST AUBINS AVENUE**

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

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

Michael Blackwood (applicant) and Councillor Hecks (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Denness, Barnes-Andrews and Savage

AGAINST: Councillor Claisse

ABSTAINED: Councillor Houghton

**RESOLVED** that the Panel granted conditional planning permission.

NOTE: Councillor Hecks declared an interest in this item and withdrew from the meeting after making a presentation against the officer recommendation. Councillor Murphy had withdrawn from the meeting.

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## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 20<sup>th</sup> June 2017 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AG	DEL	15	16/01899/FUL Upper Shirley High
6	AG	CAP	5	17/00607/FUL 123 Upper Shirley Avenue
7	AL	CAP	5	17/00333/FUL 8 - 9 Premier Parade, Forest Hills Drive

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  
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 and Rights of Way Panel 20<sup>th</sup> June 2017**  
**Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

<b>Application address:</b> Upper Shirley High, Bellemoor Road, Southampton SO15 7QU			
<b>Proposed development:</b> Removal of two temporary classrooms and erection of a two storey building to provide 10 new classrooms with ancillary accommodation (amended to provide 12 additional car parking spaces and construction access details)			
<b>Application number</b>	16/01899/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	21.04.2017 (Extension of Time Agreement)	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	More than 5 objections (12 in total)	<b>Ward Councillors</b>	Cllr Coombs Cllr Kaur Cllr Chaloner

<b>Applicant:</b> Hamwic Trust	<b>Agent:</b> PrimmerOldsBAS
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<b>Recommendation Summary</b>	<b>Delegate to Service Lead - Infrastructure, Planning &amp; Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	No
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Sport England is content that given the proposed construction route is for a temporary period and that its impact on the playing field and sports facilities can be reduced, the effect on the usability of the playing field for a range of sports will be minimised. Overall, the exceptional educational need associated with the development are considered to outweigh the disadvantages. The proposed new vehicular access has been considered by highways officers as acceptable and any impact on local residents can be mitigated as explained in the report to the Planning and Rights of Way Panel on 20<sup>th</sup> June 2017.

The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with policies CS6, CS11, CS13, CS18, CS19, CS20, CS22 and CS25 of the Core Strategy (2015) and saved policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP19, SDP22, NE4 and HE6 of the Local Plan Review (2015).

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

## **Recommendation in Full**

1. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - i. The submission and approval of a Green Travel Plan aimed at reducing the reliance of the private car in relation to staff and pupil trips to/from the school and a financial contribution to ensure a meaningful implementation of the approved Green Travel Plan.
  - ii. A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
2. That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete conditions as necessary.

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

- 1.1 The application site is situated on the north side of Bellemoor Road between the junctions with Wilton Road and Pentire Avenue. The existing school buildings are a mixture of single-storey, 2-storey and 3-storey of various ages and styles and are concentrated in the middle and western parts of the site. The eastern part of the site is used for sports provision with a grassed playing field and enclosed hard surfaced tennis courts. There is currently a single vehicular access to the school which is in the south western part of the site between 46 and 60 Bellemoor Road. In the south eastern part of the site, between 80 and 82 Bellemoor Road, is what is understood to be a former vehicular access. There is a lowered kerb ‘crossover’ to the street but the access has been closed off with an established hedge and fence with the land within the school grounds being grassed and used for sports activities. It is proposed to provide temporary construction vehicular access in this position.
- 1.2 The immediate surroundings are predominantly residential in character with 2-storey houses adjoining in Queen’s Road, Pentire Avenue and Bellemoor Road. On the north western side of the school are retail/leisure uses in large retail ‘sheds’ on Winchester Road. The rear of these buildings closely adjoins the school grounds.



## **2.0 Proposal**

- 2.1 The proposal seeks to replace two no. single-storey temporary classroom buildings within the northern part of the site with a replacement teaching block comprising ten classrooms. The proposed replacement classroom building would be part two-storey part single-storey with pitched roof form and single-storey flat-roofed element to the rear. The proposed block would occupy the position of the existing temporary classrooms with a larger footprint which extends north-eastwards towards the tennis courts. The proposed building would be set within existing hard surfacing and does not encroach on the existing playing field. The position of the building has been marginally adjusted, to prevent encroachment on the root protection areas of existing trees on the northern boundary. The proposed finishing materials comprise face brickwork, concrete roof tiles and UPVC windows.
- 2.2 The scheme proposes a temporary construction traffic access between 80 and 82 Bellemoor Road in order to separate construction traffic from pupils/staff/parents using the main school access, in the interests of health and safety. The temporary construction route will run along the edge of the existing playing fields and has been designed to ensure that sporting use of the playing fields will not be compromised. The temporary roadway will comprise heavy duty rubber mats.
- 2.3 The proposal would provide a net increase in teaching facilities of 1,015 sqm. The expansion of Upper Shirley High School is proposed to meet local need and a shortage of secondary pupil places in the local area. The school is currently at capacity and was due to be rebuilt under the Building Schools for the Future Programme until this scheme of funding was cancelled by central government in 2010. The proposed expansion plans, seek to increase pupil numbers from 150 to 180 in September 2017. The forecasted future intake, as set out within Appendix B of the Design & Access Statement Rev A, is set to reach its full capacity of 1050 pupils by 2023.
- 2.4 The proposal has been amended to incorporate 12 no. additional car parking spaces within the car park at the front of the site, accessed from the main entrance. These additional spaces have been incorporated to provide for increased parking demand arising from the increase in school capacity.

## **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.

3.3 Paragraph 72 of the NPPF indicates that:

*“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

3.4 The application site is not allocated in the current development plan, although the existing playing pitches are designated under Local Plan “saved” Policy CLT3. Core Strategy Policy CS21 supports Policy CLT3 and seeks to protect existing playing fields from inappropriate development. A presumption of no net loss of open space now exists.

3.5 Local Plan Policy L1 has been superseded by LDF Core Strategy Policy CS11, which supports the development of new educational facilities on school sites and encourages wider community use of those facilities outside of school hours.

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

4.1 On 26.3.10 planning permission was granted for a replacement school under the Building Schools for the Future Programme. This approval included a new gated vehicular access between 80 and 82 Bellemoor Road for servicing and delivery access only (ref 09/01328/R3OL) and the approved access plan and associated condition are attached as **Appendix 2**.

4.2 The existing temporary classrooms, proposed to be removed, were approved in 2007 (ref 07/01809/R3CFL). The school has expanded on a number of occasions since it was built in the 1960’s. There have been many subsequent planning decisions not all of which are relevant to the current planning application.

#### **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 (113 in total), erecting a site notice (03.02.2017) and a press notice (published on 03.02.2017). At the time of writing the report **12 objections** have been received from surrounding residents. The following is a summary of the planning related points raised:

5.2 ***The school expansion will result in increased on-street parking pressures. Existing problems with cars parked badly and illegally during peak school drop-off and collection times will be increased.***

5.2.1 Officer Response - An updated green travel plan is to be secured aimed at reducing the reliance of the private car in relation to any increased staff and pupil trips. The proposal also provides 12 additional staff car parking spaces within the site to reduce pressure on existing kerb side parking space. On balance, the need for additional school places is considered to outweigh any increased trip rates which do arise.

5.3 ***The opening up of a temporary construction access between 80 and 82 Bellemoor Road will be harmful to the residential amenities of immediate neighbours, particularly in respect of noise, vibration, dust, pollution, dirt etc associated with heavy construction traffic. Alternative temporary construction access routes should be explored***

5.3.1 Officer Response - Environmental controls are recommended to safeguard the amenities of neighbouring occupiers, namely: restrictions on hours of work (Monday to Friday 08:00-18:00 hrs and Saturday 09:00-13:00 hrs; controls on hours of delivery (Monday to Friday 8:30-9.15 and 14:30-15:30 hours) and no heavy goods vehicle deliveries to take place at weekends. A pre-construction traffic management analysis has been provided to explain why this temporary access route is required and to discount alternative access routes. It is not possible to re-route heavy goods vehicles through the main school entrance during the school holiday because of insufficient off road space for stationary vehicles in front of the school gates

5.3.2 On balance, the need for additional school places is considered to outweigh any increased disturbance arising from construction vehicle traffic. The amount and frequency of construction vehicle traffic for this classroom block is not considered demonstrably harmful to substantiate refusal of planning permission.

5.4 ***Concern that the access will remain in use after the construction has finished***

5.4.1 Officer Response - the school have confirmed that the temporary access is only required for construction and accept a condition which requires the access to be stopped up and hedgerow re-instated on completion of works.

5.5 ***The proposed temporary construction vehicle access would prejudice pedestrian and highway safety***

5.5.1 Officer Response - No objection has been raised by Highways Development Management. Provision of the temporary construction access to separate construction traffic from pedestrian traffic using the main entrance accords with Health and Safety Executive requirements. Controls to prevent deliveries during peak school arrival and departure times are recommended. A condition is also required to ensure the temporary dropped kerb access is designed to withstand overrun by heavy goods vehicles to prevent damage obstruction to the footway.

5.6 ***Concern that the application was lodged prior to public consultation with the local community.***

Officer Response - Concerns raised as part of the public consultation on this planning application have been shared with the applicants and additional information / amendments have been received, to provide additional car parking, details of additional need for school places and a construction traffic management analysis. The additional information has been subject to a public re-consultation. The applicants accept the imposition of conditions to control the use of the temporary construction access and to ensure the temporary access is stopped up following the completion of works

5.7 ***The application does not contain details of how the new classrooms will***

***be constructed in terms of site access, contractors parking, construction hours etc***

5.7.1 Officer Response - *Details of how the new classrooms will be constructed is generally not a pre-determination planning requirement. Construction hours are recommended to be restricted by condition. There is sufficient space for materials and construction vehicles to park within the site and details will be secured through a construction management plan.*

5.8 ***The planning Department hasn't correctly notified residents who live directly opposite the proposed temporary access***

5.8.1 Officer Response - Consultation has been undertaken with a total of 117 neighbouring properties which has included notifying properties which are adjacent and opposite the temporary construction vehicle access, namely 80, 82, 85, 87, 89 and 91 Bellemoor Road.

5.9 ***The temporary construction access route will leave the side boundaries to 80 and 82 Bellemoor Road exposed***

5.9.1 Officer Response - *Existing boundary treatments are in place to enclose these properties from the school playing fields. The proposed temporary access route will have controlled access to ensure the school remains secure.*

**Consultation Responses**

5.10.1 **SCC Highways - No objection**

The new classroom block is acceptable in highway terms subject to S106 requirements as below and the following comments. The applicant is showing a temporary access to be used for construction traffic. This would be a positive thing as far as safety is concerned, because it separates construction traffic away from school traffic. The developer however would be required to avoid any deliveries arriving around the school start or finish times.

5.10.2 There may be issues associated with noise when temporary road plates are used for HGVs to run on and thought needs to be given to this issue if this is to be the temporary solution.

5.10.3 The access which is to be opened up currently has a substantial hedgerow across it, and the dropped kerb crossing is very narrow. This vehicular crossing is likely to become damaged by HGVs running over it, as it is unlikely to have been constructed to a depth suitable to withstand overrunning with such vehicles. Core samples will need to be taken to establish the construction, across the full width likely to be overrun by an articulated vehicle, and if the construction does not meet the councils standards for a heavy duty crossover, it will need to be constructed as such, and the crossing widened to accommodate the tracking of the largest vehicle likely to use the access. Should the footway start to deteriorate we would expect immediate action to undertake repairs to avoid risk of personal injury from passing pedestrians which are numerous at school start and finish times. The footway will need to be left in a suitable condition once the construction is complete and the access closed off again.

5.10.4 Local residents are already subject to parking pressures at school start and finish times, and it will be important that the Construction Environment Management Plan recognises this and ensures that operatives will not park within the near vicinity of the site, to avoid further nuisance. Ideally they will be provided parking within a compound on site if they are unable to travel to site more sustainably.

- 5.10.5 Additional pupils will require the school travel plan to be updated and revisited to ensure the increase in pupils does not result in a significant change in vehicular trips to the school.
- 5.11 **SCC Ecologist - No objection** to the removal of the temporary classrooms and replacement with a permanent building. However, the Council's Ecologist is concerned that the proposed building's close proximity to the line of trees will lead to increased illumination of the tree canopies reducing their foraging value for bats. To reduce the risk of this occurring the building's lighting scheme should be designed to minimise light spill.
- 5.12 **SCC Environmental Health (Pollution & Safety) - No objection** subject to conditions to restrict hours of work, to secure a construction environment management plan and to ensure no ensure bonfires take place on site.
- 5.13 **SCC Sustainability – No objection**  
The development is required to achieve a BREEAM standard of 'excellent' under Core Strategy Policy CS20 and a BREEAM pre-assessment estimator has been submitted which shows that Excellent would be met. Design stage and post occupation conditions are recommended to secure BREEAM 'excellent'.
- 5.14 **SCC Trees – No objection** following amendment to move the proposed classrooms to a position outside of the root protection areas of trees to the north. A tree protection plan, method statement and clear specification of any facilitation works to safeguard the trees to the north should be secured by condition.
- 5.15 **SCC Archaeology – No objection** subject to conditions to secure an Archaeological Watching Brief. The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 16 (The Rest of Southampton). There are several prehistoric (Palaeolithic, Mesolithic and Neolithic) and Roman findspots within 500m of the site, but otherwise limited archaeological evidence. However, little formal archaeological fieldwork has been undertaken in the area, so the archaeological potential of the site is uncertain. An Archaeological Desk Based Assessment, commissioned for a 2009 planning application for the school site, outlined the archaeological and map evidence for a wider study area. Prehistoric and other archaeological remains, if present on the site, would be undesignated heritage assets under the National Planning Policy Framework (NPPF).
- 5.16 **SCC Flood Officer** - If the case officer is minded to approve the application it is recommended for approval subject to a condition to secure a surface water drainage strategy
- 5.17 **Southern Water – No objection** subject to a condition to secure details of means of foul and surface water disposal. An informative is also requested in relation to connection to the public sewerage system.
- 5.18 **Sport England – No objection**  
Sport England is content that given the proposed construction route is for a

temporary period and that its impact on the playing field and sports facilities can be reduced, the effect on the usability of the playing field for a range of sports will be minimised. On this basis, Sport England considers that the proposed development broadly meets our E3 exception policy, subject to a planning condition to ensure the playing field and sports facilities are reinstated to their previous condition following works.

## **6.0 Planning Consideration Key Issues**

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

- Principle of development;
- Design and amenity;
- Highway Safety and Parking.

### 6.2 Principle of Development

6.2.1 The proposed development of new classroom facilities to replace the existing temporary facilities and to support an increase in school capacity is acceptable in principle. Policy CS11 of the Core Strategy indicates that the development of new, inspirational, high quality education and related facilities will be promoted.

6.2.2 The new classroom facilities are required meet local need and a shortage of secondary pupil places in the local area. Upper Shirley High School is a Jefferys Education Trust Academy with a current capacity of 764 pupils. The Trust has indicated the school is overcrowded and was due to be rebuilt under the Building Schools for the Future programme in 2009, until the funding programme was withdrawn. The student intake at the school is proposed to increase from 150 to 180 in September 2017; this is to meet local demand and to accommodate the change of status of Wordsworth school from a two form infant to a three form primary school. Intake is set to increase to 210 in September 2019. The Trust has indicated that the school expansion plans show the school reaching a capacity of 1050 pupils by 2023.

6.2.3 The proposed classroom building would be located in an area at the north of the site, occupied by temporary classroom buildings and hard standing. The proposed building does not encroach onto the existing playing fields however the temporary construction route will run along the western edge of the playing fields. The applicants have submitted details to demonstrate that the temporary access route will not harmfully compromise the ability to use the playing fields for sport. The temporary construction road will compromise heavy duty rubber mats to minimise the impact on the grassed playing fields. As such Sport England have raised no objection subject to a condition requiring that the temporary access road be removed on completion of works and any damage to the playing fields made good.

6.2.4 Given the access road represents a marginal encroachment on the playing fields for a temporary period and will not compromise seasonal sports pitches, the proposal is not considered to conflict with open space safeguarding policies CS21 of the Core Strategy and 'saved' policy CLT3 of the Local Plan Review.

### 6.3 Design and Amenity

6.3.1 The proposed two-storey classroom block will be located in the northern part of

the site and will not be seen from the public realm. The building will be screened by trees and retail warehouses to the north, existing school buildings to the south and west and circa 120m from the nearest residential properties within Pentire Avenue, beyond the tennis courts to the east. The building is set off the northern boundary to ensure the existing boundary trees are not compromised.

6.3.2 The two-storey scale would be in keeping with the scale of surrounding buildings. The pitched roof form differs from the flat-roofed design of the existing school buildings but this is not considered harmful having regard to the pitched roof form of housing within the surrounding area. The use of face brickwork is considered appropriate within this context with precise materials details reserved by planning condition. As such the proposed development is acceptable in design terms and will not harm the visual amenities of the area.

6.3.3 The proposed building will not adversely harm the amenities of neighbouring occupiers the building is a significant distance from neighbouring occupiers as not to cause any harmful enclosure, shadowing or privacy impact

6.3.4 The proposal requires the formation of a temporary construction access route to prevent any health and safety conflict with pupils and staff using the main entrance. This involves forming a temporary access between 80 and 82 Bellemoor Road which will inevitably change the environment for adjacent residential properties during the construction period.

6.3.5 The application is supported by a pre-construction traffic management analysis which explains why construction vehicle access through the main entrance, or alternative access via the adjacent retail park to the north, have been discounted.

The Health and Safety Executive provides advice on 'The Safe Use of Vehicles on Construction Sites' and recommends that public and construction traffic be separated. Furthermore use of the existing gated main entrance would mean that HGVs would have to wait on a bend in order to access the site, which could prejudice highway safety and obstruct the free flow of traffic. Access through the retail park has been discounted due to site levels, obstruction from existing building and land ownership issues

6.3.6 The opening up of the access between 80 and 82 Bellemoor Road was previously approved for servicing and deliveries as part of the replacement school under the Building Schools for the Future Programme. In order to minimise the environmental impact on adjacent residents and to prevent conflict with peak school traffic, controls are recommended to limit the use of the temporary access and to require the temporary access to be stopped up and re-landscaped following completion of works. The proposed hours of work will be Monday to Friday 08:00-18:00 hrs and Saturday 09:00-13:00 hrs. No deliveries should take place Monday to Friday 8:30-9.15 and 14:30-15:30 hours.

6.3.7 The applicants have indicated they have no intention to work Saturday but would like the option available if required to complete the works on time because of delays due to unforeseen circumstance. They have also confirmed that no deliveries or large vehicles will be accepted on a Saturday and delivery vehicles will be limited to size, to small / medium with access through the main entrance only on Saturday's. A construction management plan will also be required to ensure that construction vehicles park within the site and not within Bellemoor Road or surrounding streets

#### 6.4 Highway Safety and Parking

6.4.1 The new classroom block is acceptable in highway terms subject to S106

requirements to secure a green travel plan to encourage other forms of travel instead of private cars.

- 6.4.2 The applicant is showing a temporary access to be used for construction traffic. This would be a positive thing as far as safety is concerned, because it separates construction traffic away from school traffic. The developer however would be required to avoid any deliveries arriving around the school start or finish times.
- 6.4.3 The existing dropped kerb will need to be assessed and if necessary upgraded to ensure it can withstand overrunning from heavy construction vehicles. A highway condition survey will also be secured to ensure that any damage to the public highway arising from construction works is made good.
- 6.4.4 The development provides an additional 12 car parking spaces within the school to reduce staff parking overspill onto Bellemoor Road.

## **7.0 Summary**

- 7.1 In summary, the new classroom facilities are required as part of the expansion of Upper Shirley High School to meet local need and a shortage of secondary pupil places in the local area. The design and scale of the building is considered in keeping with the character and appearance of the area and will not harm the residential amenities of neighbouring occupiers.
- 7.2 The proposed temporary access route will not harm the function and usability of the school playing fields and Sport England has raised no objection. The temporary access route between 80 and 82 Bellemoor Road is required in order to separate the public from construction traffic in the interests of health and safety. Planning conditions are recommended to minimise the disturbance arising from construction traffic and to ensure the temporary access is stopped up on completion of works.
- 7.3 Additional staff parking is provided on site to reduce any staff parking overspill into surrounding streets and construction vehicles will be required to park within the site.
- 7.4 The green travel plan for the school will need to be updated to account for the increase in school capacity.

## **8.0 Conclusion**

The application is recommended for approval subject to securing the matters set out in the recommendations section of this report and the conditions set out below.

### **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) & (qq), 6(c)**  
AG for 20/06/2017 PROW Panel

### **PLANNING CONDITIONS to include:**



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

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 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. Hours of work for Demolition / Clearance / Construction (Performance)**

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.

### **04. Construction Management Plan (Pre-Commencement)**

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.

#### **05. Tree Retention and Safeguarding (Pre-Commencement Condition)**

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

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

#### **06. Arboricultural Method Statement (Pre-Commencement Condition)**

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

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

**07. APPROVAL CONDITION Archaeological watching brief with provision for excavation investigation [Pre-Commencement Condition]**

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

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

**08. APPROVAL CONDITION Archaeological watching brief with provision for excavation work programme [Performance Condition]**

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

Reason: To ensure that the archaeological investigation is completed.

**09. External Lighting Scheme (Pre-Commencement)**

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed to prevent increased illumination of the tree canopies on the northern boundary. The lighting scheme shall be thereafter retained as approved.

Reason: To minimise the impact on protected species.

**10. Surface / foul water drainage (Pre-commencement)**

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

**11. APPROVAL CONDITION - BREEAM Standards [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, Unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

**12. APPROVAL CONDITION - BREEAM Standards [performance condition]**

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

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

**13. APPROVAL CONDITION - Zero or Low Carbon Energy Sources [Pre-Commencement Condition]**

Confirmation of the energy strategy, including zero or low carbon energy technologies that will achieve a reduction in CO<sub>2</sub> emissions of at least 15% must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON: To 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).

**14. APPROVAL CONDITION - Sustainable Drainage (Pre-Commencement Condition).**

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

#### **15. APPROVAL CONDITION - Playing Fields (Pre-commencement)**

No development shall commence until a scheme for the removal of the temporary works which includes the temporary construction traffic route and access on playing field land and the long jump pit and track has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011). By \* date, the use hereby permitted shall be discontinued and the temporary works carried out under this permission shall be removed from the site and the playing land and long jump pit and track reinstated in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure the site is restored to a condition fit for purpose and to accord with policies CS21 of the Core Strategy and 'saved' policy CLT3 of the Local Plan Review.

#### **16. APPROVAL CONDITION - Servicing and Deliveries**

The development shall be carried out in accordance with the pre-construction traffic management analysis dated March 2017 in relation to routing of construction vehicles, permitted construction traffic hours, site access requirements, vehicle call up procedures and provision of wheel cleaning facilities.

No deliveries shall take place between 8:30-9.15 and 14:30-15:30 hours Monday to Friday.

Any deliveries or servicing on Saturdays between 09:00 to 13:00 hours shall only be made by small/medium size vehicles which shall access the site through the main entrance.

Reason: In the interests of pedestrian safety and neighbouring amenities

#### **17. APPROVAL CONDITION - Temporary Construction Access**

Prior to commencement of the use of the temporary construction traffic access, the existing dropped kerb shall be assessed to ensure it can withstand overrunning by heavy goods vehicles, with details to be submitted and agreed in writing with the Local Planning Authority. Core samples will need to be taken to establish the construction, across the full width likely to be overrun by an articulated vehicle, and if the construction does not meet the councils standards for a heavy duty crossover, it will need to be constructed as such, and the crossing widened to accommodate the tracking of the largest vehicle likely to use the access. Any works to upgrade the existing dropped kerb will need to be undertaken under a s171 notice and completed prior to commencement of the use of the temporary construction traffic access.

Prior to occupation of the classrooms hereby approved, the temporary construction access shall be stopped up and a secure boundary treatment comprising fencing and hedgerow shall be reinstated with details of the fencing and hedgerow to be agreed in writing with the Local Planning Authority prior to the commencement of development. The fencing and hedgerow shall be installed and retained as agreed.

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: In the interests of highway safety.

#### **18. APPROVAL CONDITION - Temporary access stopped up**

Prior to occupation of the classrooms hereby approved, or during the first planting season following the full completion of building works, whichever is sooner, the temporary construction access shall be stopped up and a secure boundary treatment comprising fencing and hedgerow shall be reinstated. Details of the fencing and hedgerow to be agreed in writing with the Local Planning Authority prior to the commencement of development. The fencing and hedgerow shall be installed and retained as agreed.

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 protect the amenities of adjacent properties, in the interests of highway safety, and to improve the appearance of the site and enhance the character of the development in the interests of visual amenity

#### **19. APPROVAL CONDITION - Parking (Performance)**

The 12 additional car parking spaces shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

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

#### **20. 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)

CS11	Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
CLT3	Open Space

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

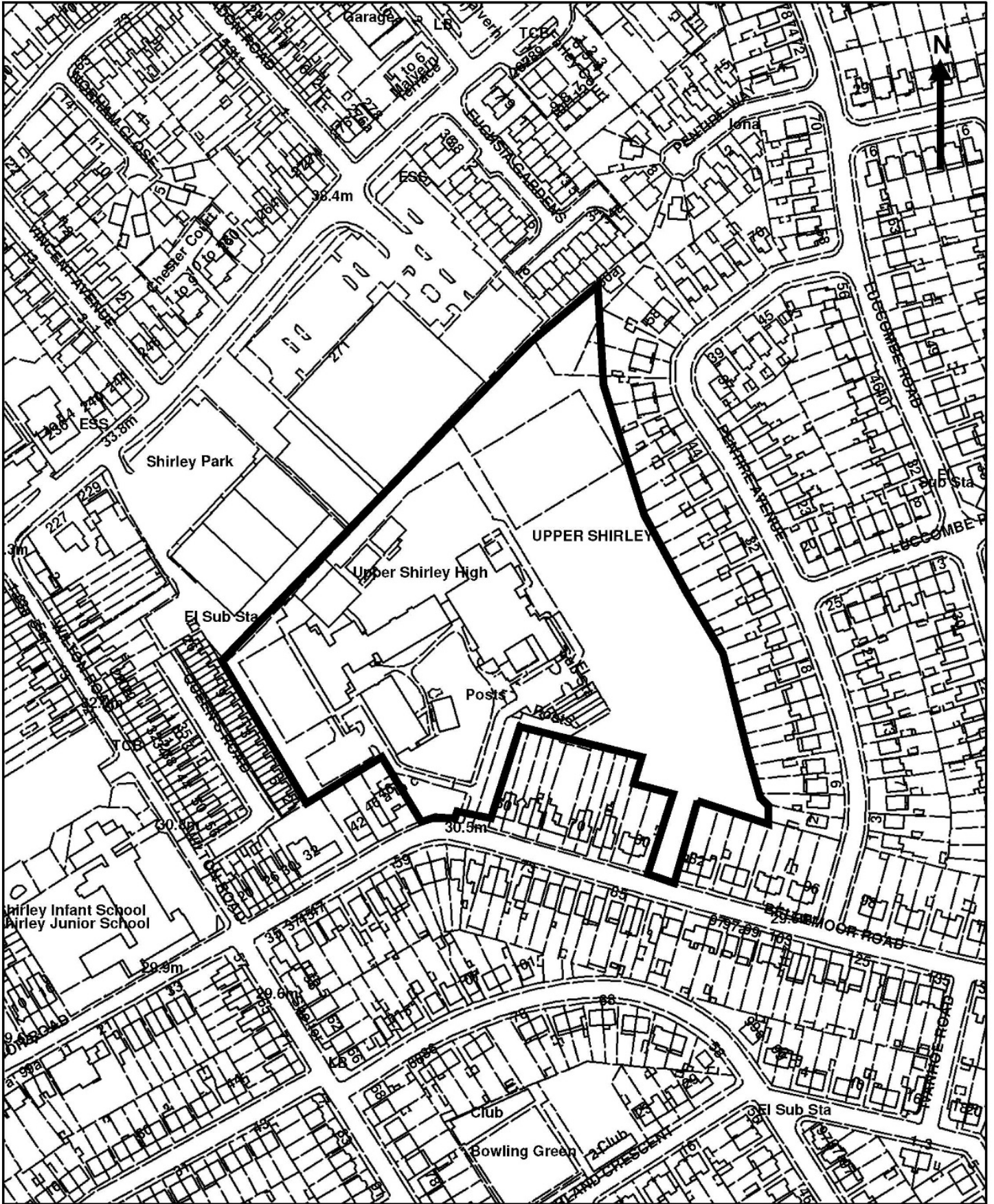
Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



Scale: 1:2,500

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**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel 20<sup>th</sup> June 2017  
 Planning Application Report of the Service Lead; Infrastructure, Planning and  
 Development**

<b>Application address:</b> 123 Upper Shirley Avenue			
<b>Proposed development:</b> Erection of a detached double garage and 2m high boundary wall to Upper Shirley Avenue (resubmission 16/00395/FUL) (Amended to reduce the depth of the garage by 1125mm and to remove roof lights)			
<b>Application number:</b>	17/00607/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Andrew Gregory	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	14.06.2017	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	5 objections received	<b>Ward Councillors:</b>	Cllr Coombs Cllr Kaur Cllr Chaloner
<b>Applicant:</b> Mr S Reynolds		<b>Agent:</b> John Warwick	
<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. The amended garage respects the design, scale, character and materials of the main house and would be in keeping with the character and appearance of the surrounding area. As such the proposal is considered to address the previous reasons for refusal (LPA References 16/00395/FUL and 15/00454/FUL). 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>Appendices attached</b>			
1	Development Plan Policies	2	Appeal Decision
3	Planning History and Plans		

<b>Recommendation in Full</b>	<b>Conditionally approve</b>
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**1. The site and its context**

1.1 The application site is a two storey detached property occupying a prominent corner plot at the junction of Wilton Road and Upper Shirley Avenue. This property has a large rear / side garden fronting Upper Shirley Avenue in addition to a front garden along Wilton Road. There is an existing single storey detached garage within the side garden accessed via a dropped kerb and associated driveway.

**2. Proposal**

2.1 The application proposes the erection of a detached double garage to the rear of the property with access from Upper Shirley Avenue. The garage has a pitched roof form with front and rear gables. The proposed layout shows space for 2 vehicles with workspace at the back and does not incorporate accommodation within the roof space. French doors and windows are proposed in the side (north-east facing) and rear elevations and the proposal has been amended to remove roof lights. The garage is proposed to be finished in face brickwork, with cladding to the gables and plain roof tiles to match the existing house.

2.2 The garage (as amended) has a width of 6.2m, depth of 6.9m, height to eaves of 2.5m and overall height to ridge of 5.5m. The existing garage is proposed to be demolished and a new dropped kerb has been installed. A new 2m height boundary wall is proposed to enclose the rear garden to Upper Shirley Avenue.

**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 2014 planning permission was approved for the conversion of the property from flats into a single dwelling house (planning application reference 14/00470/FUL).

- 4.2 In 2015, two planning applications were submitted for the erection of a two-storey garage. Both applications were refused because the height, design, scale and bulk of the garages was considered out of keeping with the street scene and at odds with the prevailing character of the surrounding area (planning application references 15/00058/FUL and 15/00454/FUL).
- 4.3 In 2016, a revised application was refused for a detached double garage with ancillary accommodation above and 2m high boundary wall to Upper Shirley Avenue, again because the design, height and resultant bulk was still considered out of keeping with the area (planning application reference 16/00395/FUL). A subsequent appeal upheld the Council's decision to refuse planning permission (Appeal Decision Ref APP/D1780/W/16/3161445).
- 4.4 The appeal Inspector had no objection in principle to the erection of a functional double garage, but agreed that the proposed garage was excessive in height, bulk and massing and would not be subservient or proportionate to the existing house. Moreover the Inspector considered that the garage would be out of proportion with the adjacent property at 121 Upper Shirley Avenue and its impact would be exacerbated by its prominent siting in line with the front projecting bay and porch of this neighbouring property.
- 4.5 A copy of the appeal decision is attached as *Appendix 2*, and the plans associated with the previously refused schemes are attached as plans and previous decision notices are included as *Appendix 3*.

## **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 **5** representation have been received. The following is a summary of the relevant points raised:
- 5.2. ***The details of the proposed garage structure are not vastly different from those in previous submissions. The overall height of the garage would appear to be only 200mm lower than the previous than the previous refusal (LPA Ref 16/00395/FUL). The ridged roof continues the pattern shown in previous applications and the need for such height is questioned. A simple flat, or gentle sloping roof, similar to that of the existing garage on site would intrude far less onto the local street scene and would be more in keeping with other buildings in the area.***
- 5.2.1 Officer Response - The garage (as amended) has been reduced in size with the depth reduced by 1.1m, the eaves height reduced by 0.75m and the ridge height by 1m. Consequently the building is lower in height and set further back into the plot. The plans do not include any roof accommodation, if however the owners decided to convert the roof space the available head height would be limited as a result of the reduction in eaves and ridge height. The inclusion of a pitched roof and gabled frontage would match the existing properties in the street. The angle of roof pitch is 40 degrees which is the standard pitch for plain tiles and in keeping with neighbouring properties
- 5.3. ***The glazed tops to the doors and side windows, should provide adequate light within the building without the need for skylights. The apparent inclusion of glazed patio doors to the side of the building appears incongruous for a simple garage structure.***

- 5.3.1 Officer Response - Agreed, and the scheme has been amended to remove the skylights. Planning permission would be required should the applicants wish to install roof lights in the future. The inclusion of glazed patio doors, on the side elevation facing into the site are not harmful to the appearance of the area
- 5.4 ***The repeated proposal for a 2m high boundary wall is a concern. The previous 1.5m height wall with the original garden planting behind the wall, provided adequate screening for the previous occupiers. A 2m high wall is out of keeping with other frontages in the road and would represent an austere appearance, offering little to the street scene.***
- 5.4.1 Officer Response - The Local Planning Authority and Appeal Inspector previously raised no objection to the boundary wall. It is not uncommon for a corner plot to have a boundary treatment above 1.5m in height in order to provide security and privacy to the rear garden. The wall design has been amended to provide 2m x 2m driver sightlines.
- 5.5 ***The proposed treatment of the gable end of the garage with black upvc cladding is a further intrusion on the street scene, out of character with other properties apart from the dwelling of number 123 itself***
- 5.5.1 Officer Response – Details of the finishing materials are recommended to be reserved by condition. Fibre cement weather boarding is now a commonly used building product and would complement the existing range of finishing materials in the street.
- 5.6 ***No objection to the replacement of the existing garages with a structure of a less intrusive size, more in keeping with the surroundings.***
- 5.6.1 Officer Response - There appears to be no objection in principle to a double garage. The height and depth of the garage has been significantly reduced. No accommodation is proposed in the roof and the available head room would now be limited if the roof space were to be converted. The provision of a pitched roof with gabled ends is in keeping with existing buildings within the street and the proposed height of 5.5m is a consequence of achieving a 40 degree pitch.
- 5.7 ***The proposed garage remains excessively large and elaborate to be perceived as a conventional garage rather than as potential accommodation. The plans indicate a high pitched roof, which could easily be converted into a living area, as previously rejected plans have shown***
- 5.7.1 Officer Response - No roof accommodation is proposed and the skylights have been removed. The available usable head roof would not be limited as a result of the lower eaves and ridge height. The garage could not be converted into a self-contained dwelling without planning permission.
- 5.8 ***A new dropped kerb has been installed however the old dropped kerb has not been raised, as required by condition 05 of planning approval ref 14/00470/FUL. Consequently reducing the availability of kerbside parking within the street.***
- 5.8.1 Officer Response - Condition 05 of planning permission ref 14/00470/FUL requires the redundant dropped kerb to be raised prior to occupation. The submitted representations that works to convert the property into a single dwelling are not completed yet. Therefore there is no breach of planning condition.
- 5.9 ***It is suspected, the applicants intends to create an independent living unit in the garage, significantly reducing the garden size and ability of the main house to be occupied as a family home***

- 5.9.1 Officer Response - Conversion of the garage to a dwelling would require planning permission and would need to satisfy policies within the development plan in respect of density, amenity space, parking, impact on character and appearance of the area and impact on residential amenities.

### **Consultation Responses**

#### **5.10 SCC Highways – No objection**

The proposed development is considered acceptable in principle but sufficient sightlines will need to be provided as the driveway needs to be benefit from sufficient pedestrian sightlines especially as it is now located nearer to the Southern boundary. A condition will also be required to ensure the redundant access is stopped up and be reinstated to full height kerbs. Officer Response – Amended plans have been received which now demonstrate 2m x 2m sight lines. The kerb reinstatement has been added as a recommended condition.

## **6 Planning Consideration Key Issues**

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

- Principle of development and Residential Amenity;
- Design and amenity;

### **6.1 Principle of development and Residential Amenity**

- 6.1.1 The Local Planning Authority has no objection in principle to the erection of a double garage and 2m height boundary wall on this plot. Previous refusals related solely to the design and excessive size of the double garages (with accommodation in the roof). It should also be noted that the previous appeal Inspector raised no principle objection (para 7 refers). Therefore this application needs to be assessed in terms of the design, scale and height of the garage and its impact on the character and appearance of the area.
- 6.1.2 The previous refusals for a larger garage on this plot raised no objection on residential amenity grounds and the proposed garage does not introduce any new harm in that regard. The proposed garage has a lesser height than the previously refused garage and the height of the full gable is comparable to the gable height of the previously refused barn-hipped roof, as such the current proposed will not lead to harmful enclosure or shadowing to the garden of 117 Wilton Avenue or loss of light to neighbouring secondary side windows within 121 Upper Shirley Avenue. Furthermore the garage will not lead to any overlooking or loss of privacy to neighbouring properties with windows now only proposed at ground floor level. Planning permission would be required, should the owners seek to install windows within the roof in the future.

### **6.2 Design and Impact on Character:**

- 6.2.1 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 garages, requiring the size of garages, car ports and parking areas to be in proportion to the size of the main house, with Paragraph 2.4.2 indicating:

*“As with extensions, garages and parking areas should respect the scale, character and building materials of your house. In the majority of cases, garages at the side of a house should be set back from the main building line and a car space provided in front of the garage. Gates or garage doors must not project over the adjoining public highway when opened.”*

6.2.2 The design and scale of the garage has been amended. The depth of the garage has now been reduced with the building set back behind the line of the projecting bay of 121 Upper Shirley Avenue. The garage has a lower eaves and ridge height. The height to ridge is now 5.5m, which is a consequence of achieving a 40 degree roof pitch on a double width garage. The design and scale of the garage is now considered subservient to the host building and will read as an ancillary building within the street scene. The provision of a 40 degree pitched roof with full front and rear gables is in keeping with the design of existing properties within the street. The use of face brickwork and plain tiles will match the existing house. The precise details of the materials, including the cladding to the gables, are recommended to be reserved by condition.

6.2.3 The proposed garage would occupy less than half of the garden area and therefore sufficient amenity space will remain for the main house (in excess of 90sqm) and the spatial character of the area will not be compromised. The single-storey garage with pitched roof will be located circa 10m from the main house and will not harm outlook and daylighting to windows in the rear elevation of the house.

6.2.4 The proposed 2m height front boundary wall would be finished in brickwork to match the house and garage. It is not uncommon to have a 2m height boundary treatment to a common plot in order to provide a safe, secure and private garden area. Nearby corner plots have a boundary treatment which are comparable in height. The design of the wall has been revised to ensure that appropriate sight lines (2m x 2m). As such, the boundary wall will not harm the street scene or prejudice highway safety. Please also note that the previous refusals and appeal decision raised no objection to the 2m height boundary wall.

## **7 Summary**

7.1 The revised single-storey double garage is considered to address the previous reason for refusal by reason of its revised roof design, reduced depth and reduced height. The garage is now considered subservient to the main house and will read as an ancillary building within the street scene. The revised roof form, comprising a 40-degree pitch and front and rear gables will be in keeping with existing buildings in the street. Furthermore the 2m height boundary wall is suitable for a corner plot and will not adversely harm the visual amenities of the area.

## **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,

**AG for 20.06.17 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. Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, no development works shall be carried out until a written schedule of 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. 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. Hours of work for Demolition / Clearance / Construction (Performance)

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.

04. Sightlines specification (Performance Condition)

Sight lines as shown on the approved drawing of 2m by 2m measured at the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

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

05. APPROVAL CONDITION - Existing dropped kerb [Pre-Occupation Condition]

Prior to the first occupation of the garage hereby approved, the redundant dropped kerb shall be raised, the footway reinstated and the new access formed under a S171 licence issued and agreed by Balfour Beatty, the Council's Highways partners.

Reason:

In the interests of proper planning and highway safety

06. 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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)



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## Appeal Decision

Site visit made on 21 February 2017

by **David Cliff BA Hons MSc MRTPI**

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

**Decision date: 3<sup>rd</sup> April 2017**

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**Appeal Ref: APP/D1780/W/16/3161445**  
**123 Upper Shirley Avenue, Southampton SO15 5NL**

- 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 and Mrs S Reynolds against the decision of Southampton City Council.
  - The application Ref 16/00395/FUL, dated 8 March 2016, was refused by notice dated 16 May 2016.
  - The development proposed is the erection of a detached double garage with ancillary accommodation above together with a new boundary wall to Upper Shirley Avenue.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

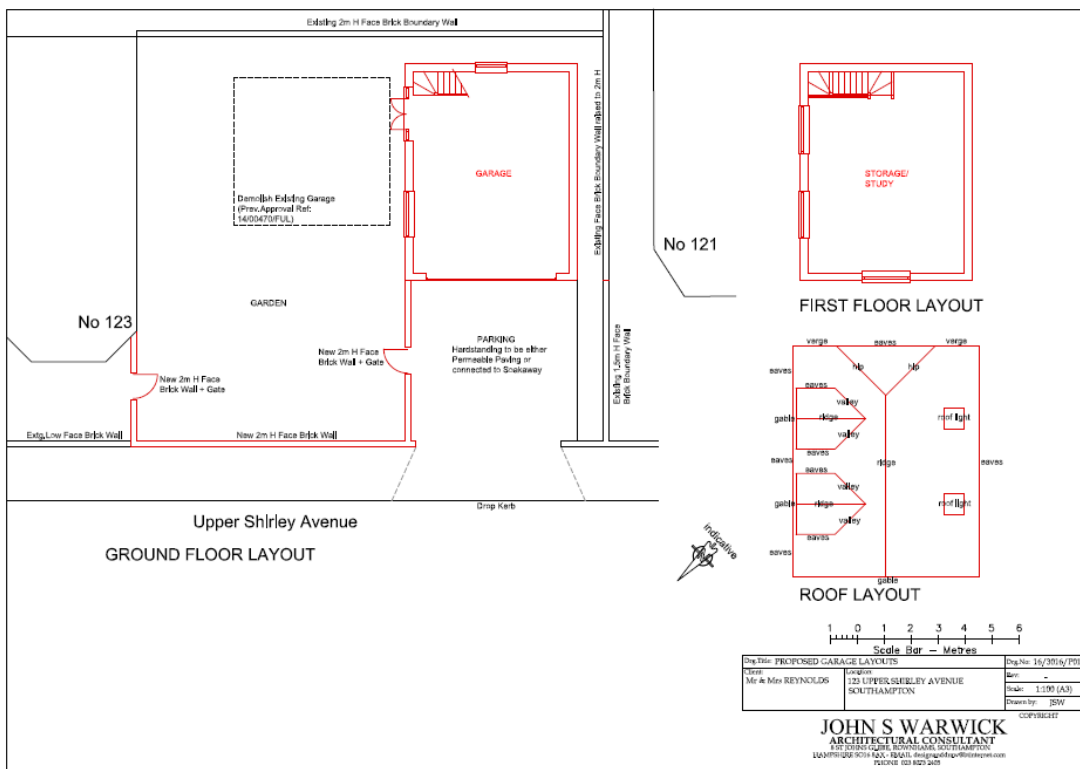
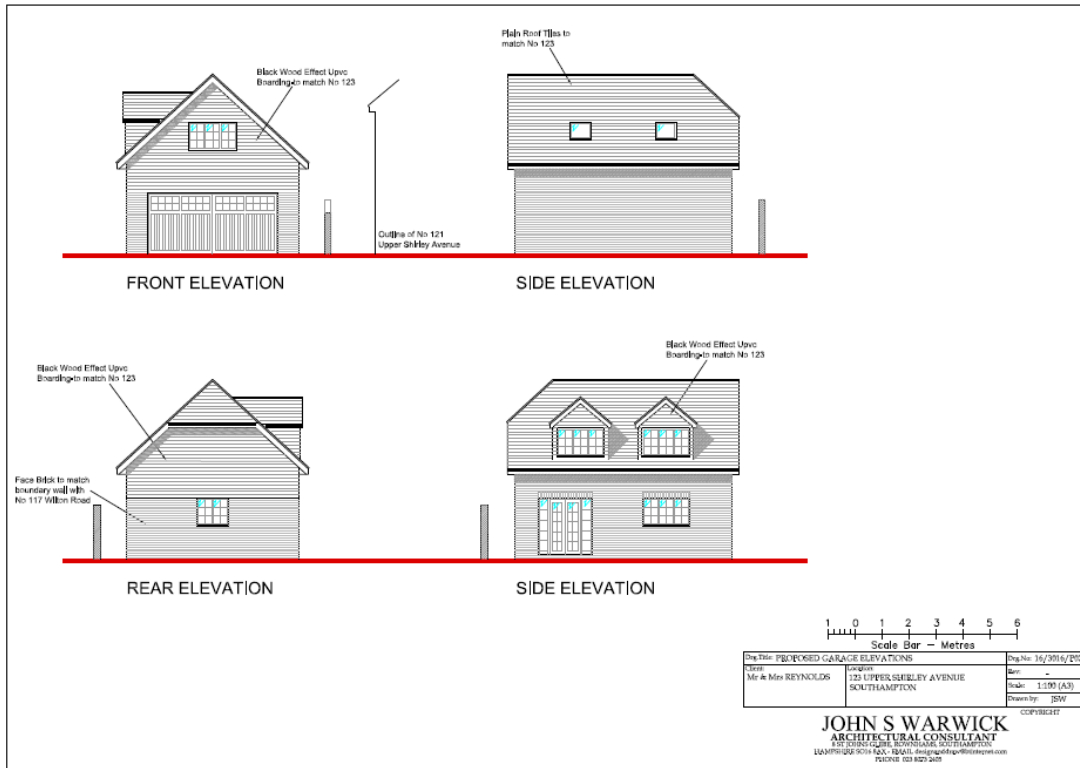
2. The main issue is the effect of the proposed development upon the character and appearance of the area.

### Reasons

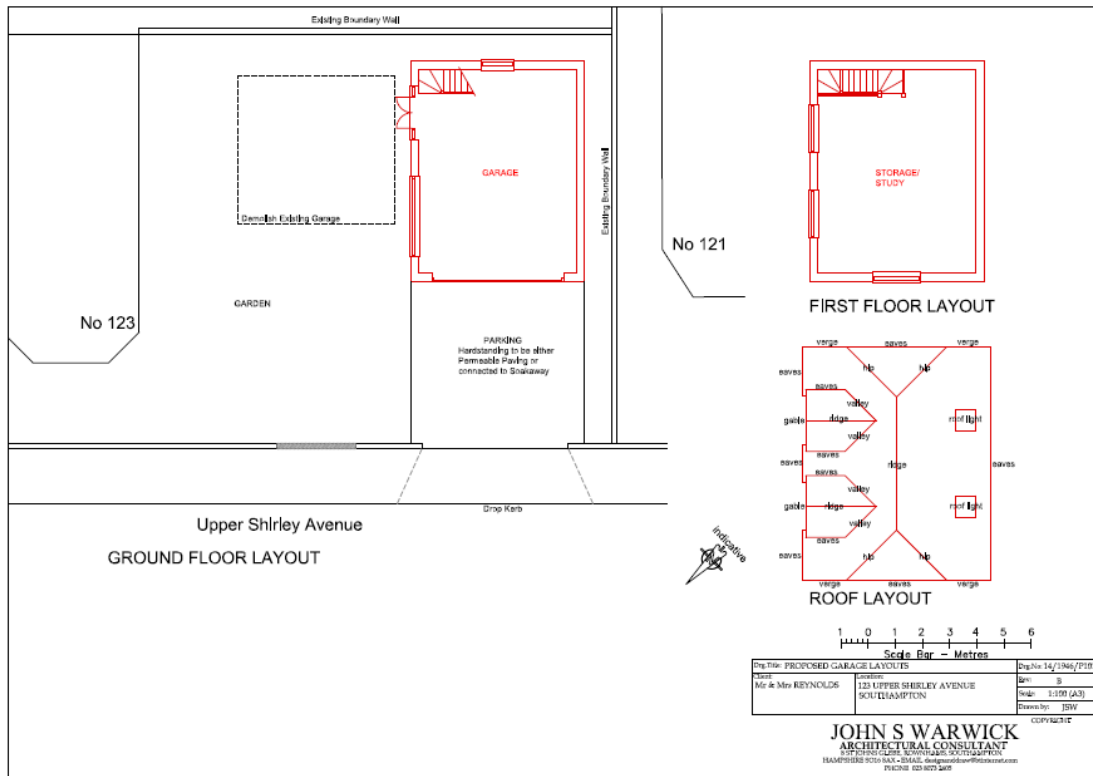
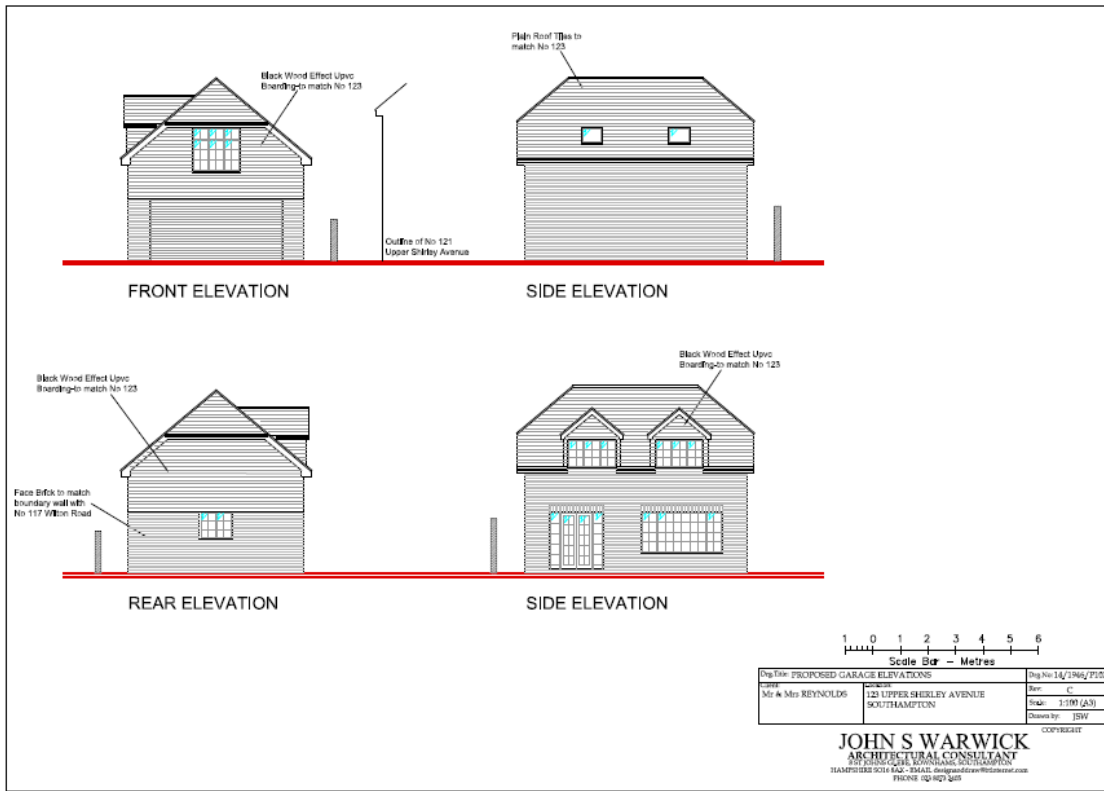
3. The appeal site comprises a corner plot at the junction of Upper Shirley Avenue and Wilton Road, within a generally residential area. The existing property's main garden/amenity area is located adjacent to Upper Shirley Avenue.
  4. The proposed garage would be a substantially sized outbuilding, including ancillary accommodation above the garage area. Incorporating a large front gable, its bulk and massing would result in it appearing as a particularly prominent feature in the streetscene and its visual impact would be exacerbated by the addition of two side dormer windows. Although front gables are a typical feature in the streetscene, the massing and height of the gable proposed in this case, resulting from the inclusion of ancillary accommodation above, would be excessively large for a double garage.
  5. The Council's Residential Design Guide Supplementary Planning Document (2006) seeks to ensure that the size of garages is in proportion and subservient to the size of the house which they serve. Whilst the existing house is large in size, given the massing of the garage, its two storey form and high eaves and ridge line, I do not consider that the proposed garage would appear as being appropriately subservient or proportionate to the existing dwellinghouse. It would also appear as being out of proportion with the adjacent property at 121 Upper Shirley Avenue. The proposal's impact within
-

## Relevant Planning History

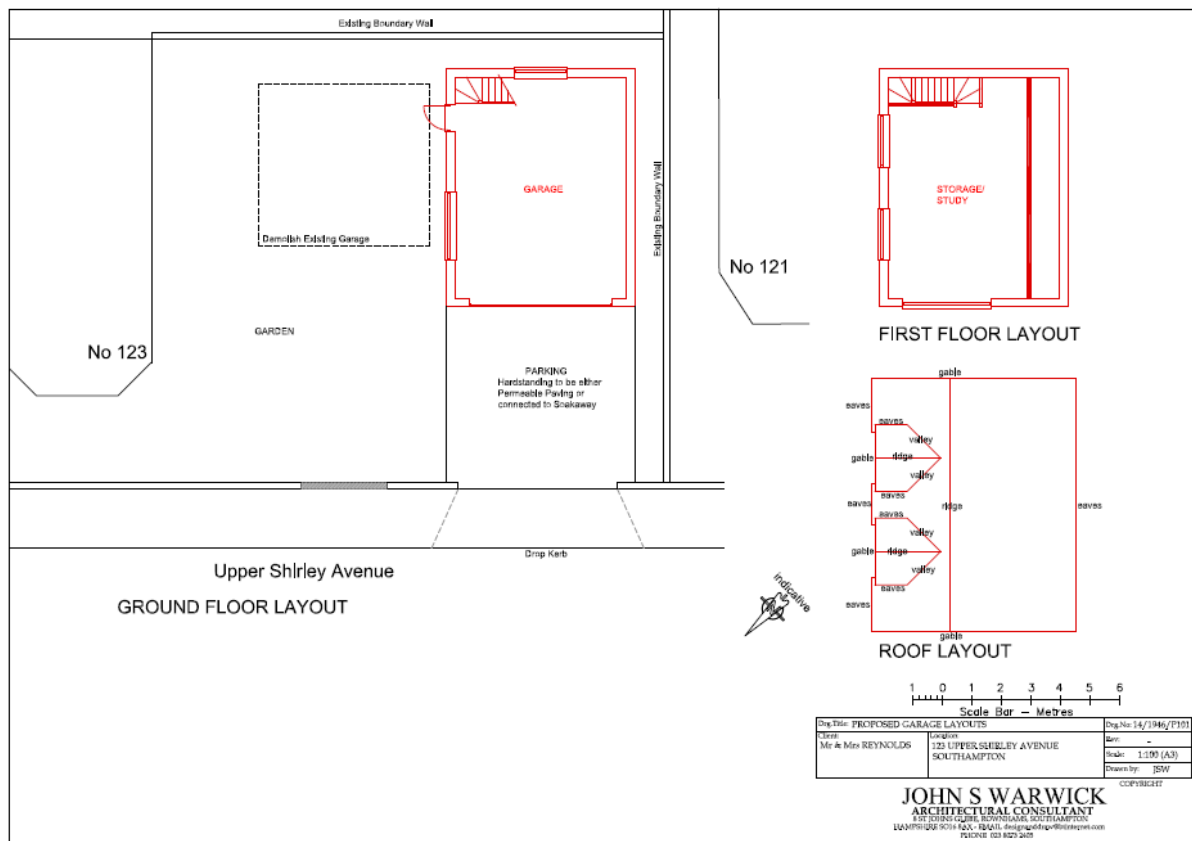
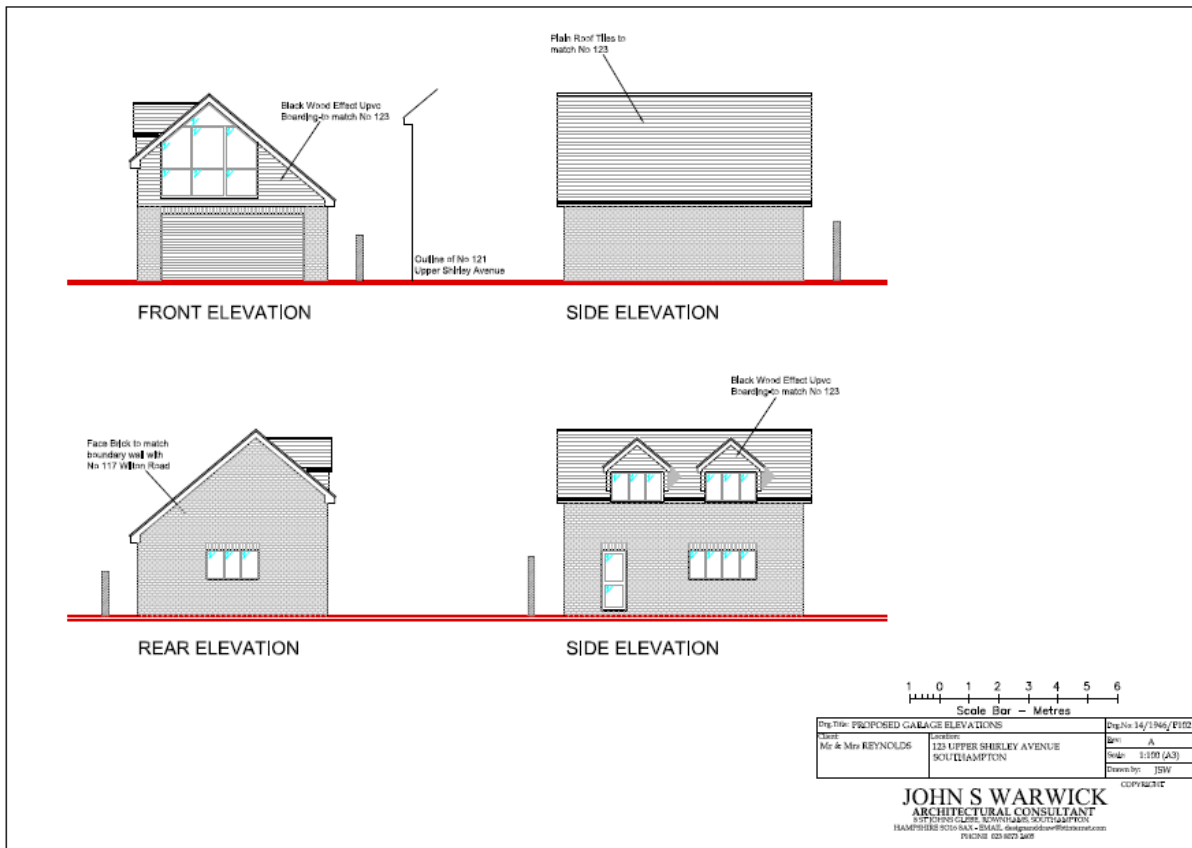
16/00395/FUL –Erection of a detached double garage with ancillary accommodation above and 2m high boundary wall to Upper Shirley Avenue (resubmission of 15/00454/FUL) – Refused (Inappropriate Design) on 16.05.2016



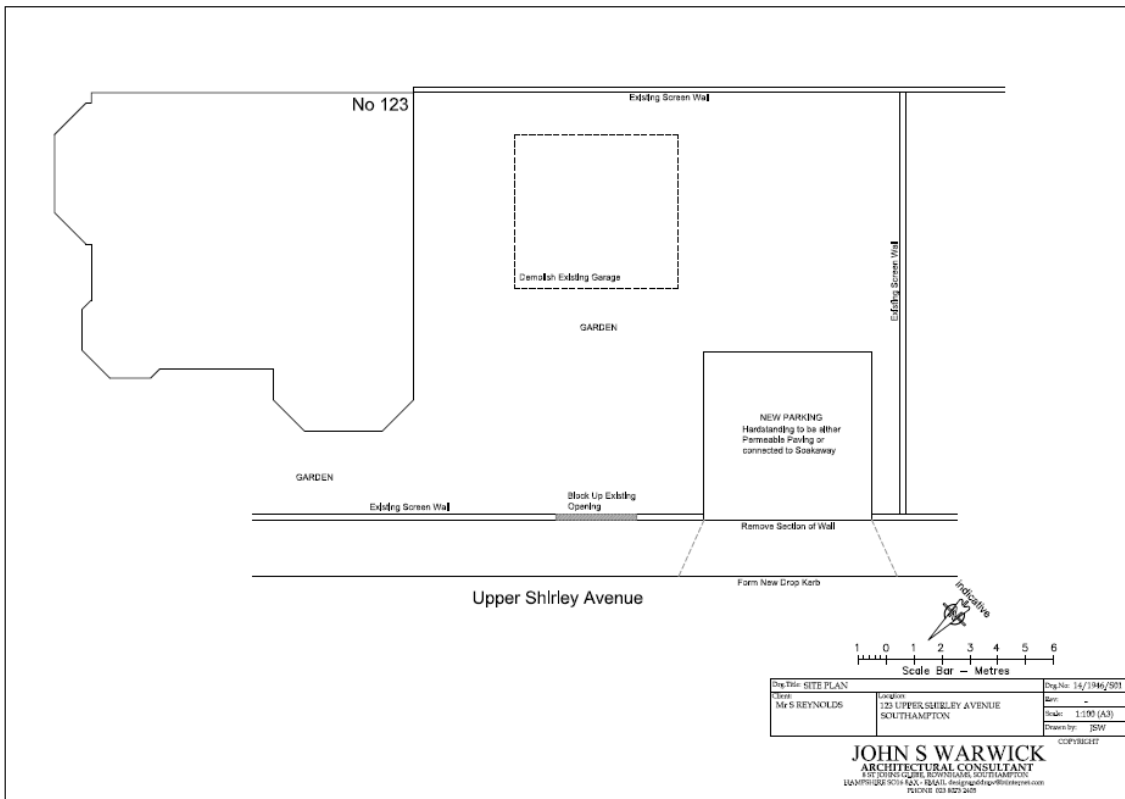
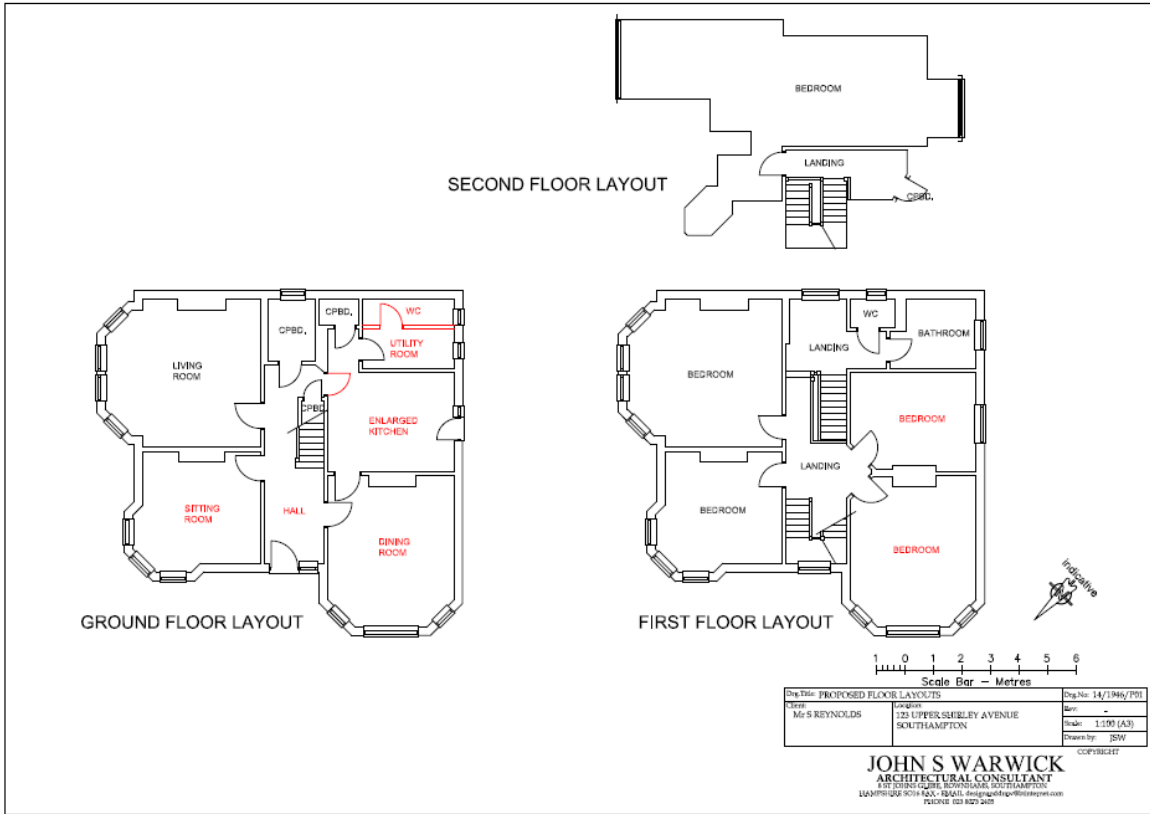
15/00454/FUL - Erection of a two storey garage in rear garden (resubmission of 15/00058/FUL) – Refused (Inappropriate Design) on 11.05.2015

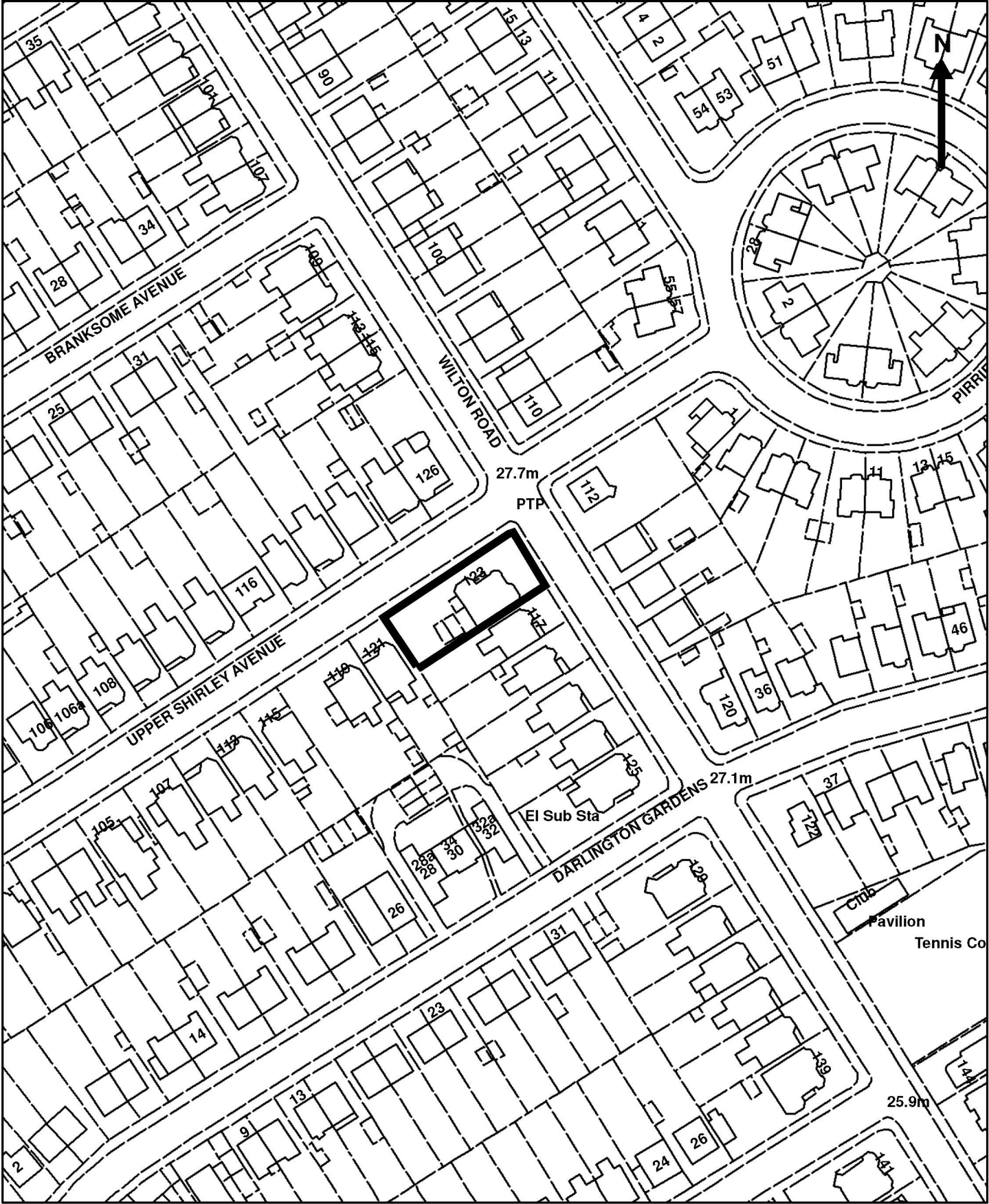


15/00058/FUL - Erection of a two storey garage in rear garden – Refused (Inappropriate Design) 11.03.2015



14/00470/FUL - Internal alterations to facilitate conversion of existing flats into a dwelling house (class C3) with new access and hard standing – Conditionally Approved on 12.05.2014





Scale: 1:1,250

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# Agenda Item 7

## Planning and Rights of Way Panel 20th June 2017 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

<b>Application address:</b> 8 - 9 Premier Parade, Forest Hills Drive, Southampton.			
<b>Proposed development:</b> Application for variation of condition 4 (Extraction equipment) of planning permission 16/00256/FUL to alter the height of the external vertical extract duct to 1.2 metres above roof height (full height).			
<b>Application number</b>	17/00333/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>	27/06/2017 (extended via an Extension of Time Agreement)	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr I White Cllr D Fuller Cllr J Inglis

<b>Applicant:</b> Mr Ahmed Hussain Akhmed	<b>Agent:</b> Les Weymes Planning Consultancy Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</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 as reported to the Planning and Rights of Way Panel 20<sup>th</sup> June such as noise and odour 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 SDP16 of the City of Southampton Local Plan Review (Amended 2015) and CS13 and CS19 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendices attached			
1	Development Plan Policies	2	Previous scheme 16/00256/FUL

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

1.1 This application site relates to the ground floor of units 8 and 9 Premier Parade, permission for the change of use to a restaurant / hot food takeaway (Class A3/A5) from a shop (A1) was approved by the Planning Panel on 21<sup>st</sup> June last year. The units are located within a wider terrace of 5 units within Premier Parade, a small, un-designated shopping area positioned between Kingsfold Avenue and Forest Hills Drive. In total, Premier Parade has 11 units which are used for retail and commercial purposes at ground floor level with residential accommodation at first and second floor level. There is no vehicular access to the front of the site however there is a small parking court located to the rear and accessed from Kingsfold Avenue. There is a height difference between the premises and the pavement along Kingsfold Avenue (to the rear) of approximately 1.8 metres.

#### 2.0 Proposal

2.1 Following approval for the change of use last year, the applicant has had discussions with officers to seek amendments to the proposed ventilation system for the property. This application seeks to vary the ventilation condition to allow for a change to the venting system. The original submission for this application was for an internal solution with the only external element being a grille. The proposal would have had carbon filters and noise reduction equipment that would have reduced the potential for odour and noise. This is a common, but expensive, solution found in the City Centre where there are extraction flues.

However, during the current application stage the applicant sought to amend the scheme to provide a full height (1.2 metres above roof level) extraction duct to be 450 mm wide by 300 mm deep with a rectangular shape. It would be painted matt black to prevent glare and to minimise its appearance. The approved scheme for the original change of use showed an external extraction duct that discharged at the top of the first floor level adjacent to the residential units above Premier Parade but this has since been assessed as likely to cause odour problems hence the need for an amendment.

#### 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 16/00256/FUL Change of use of ground floor from Retail (Class A1) to a Restaurant/Hot Food Takeaway (Class A3/A5) with external extraction flue. Conditionally Approved 29<sup>th</sup> June 2016.
- 4.2 Earlier this year a non-material amendment (16/02202/NMA) sought to planning permission ref 16/00256/FUL for alterations to the extraction system, serving the approved A3/A5 use was submitted. This proposed to increase the height of the ventilation system to full height of the building. Following discussions with officers this was withdrawn on 15.02.2017 due to concerns that the flue would detract from the character of the area. This scheme is similar to the previous scheme but further discussions have taken place with Planning and Environmental Health (EH) Officers and the flue's design has been improved.

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (10.03.2017). At the time of writing the report **9** representations have been received from surrounding residents and the Townhill Park Residents Association (including three further objections from original objectors relating to the amended plan notification). The following is a summary of the points raised:

- 5.1.1 Concerned at the odour from this ventilation system.

*Response: The EH team have assessed the proposal and advise it is unlikely to cause a statutory odour nuisance if the proposed odour management scheme is maintained as proposed and the flue is extended (as now shown) to finish above the roof line.*

- 5.1.2 Parking is an existing issue within the area with the existing car park full most evenings and parking for Premier Parade spilling out onto the surrounding residential roads. The proposed restaurant / takeaway would exacerbate this, detrimental to residential amenity.

*Response: This is not relevant to the above application as permission exists for the use.*

- 5.1.3 The proposed scheme would result in additional noise (both from the use itself and the extraction flue), litter and vermin to the detriment of the residential amenities of neighbouring occupiers.

*Response: The change of use application has been approved. The City Council's Environmental Health Team were consulted on that and this scheme and have confirmed that the proposed use and associated extraction flue would not give rise to excessive noise or statutory odour nuisance detrimental to the residential amenities of adjoining residential occupiers.*

- 5.1.4 Inadequate consultation has been undertaken for this scheme.

*Response: The Council has exceeded the statutory requirements for consultation for this application. A site notice was posted on the 10th March 2017 with letters also being sent to the following properties:*

*7, 7A, 8A, 9A, 10 and 10A Premier Parade, 12, 14, 16 and 20 Kingsfold Avenue and 24 Wilmington Close (Townhill Park Residents Association)*

*Adequate consultation has therefore, been undertaken for this scheme and for the re-notification those occupiers who had previously objected were consulted.*

## 5.2 Consultation Responses

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

Following a perusal of the associated documents EH officers can confirm that they are supportive of this application as the potential noise/odour issues have been satisfactorily addressed.

## 6.0 Planning Consideration Key Issues

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

- (a) The principle of development.
- (b) The impact in terms of residential amenity.
- (c) The acceptability of the ventilation system in terms of design and visual amenity.

### 6.2 Principle of Development

6.2.1 The principle of development for ventilation equipment was approved at the change of use application stage. The approved scheme sought to provide external ducting to the rear adjacent to the first floor units. All changes of use to restaurants/takeaways require ventilation systems. Ventilation systems are normally secured via condition but in the case of the approved change of use the details were approved at the application stage. Therefore, any amendment to this requires approval. The principle of the ventilation system is acceptable subject to the impact in terms of noise, odour and visual amenity. In essence, there have been three schemes put forward; the approved scheme for a half height flue, internal ventilation with solely an extract grille externally (not viable in this case) and the current scheme for the full height flue.

### 6.3 Residential Amenity

6.3.1 The closest residential properties to the application site are located at first and second floor level of Premier Parade, directly above the application site. The proposed ventilation system will comprise an extraction system routed externally with a vertical extraction flue to the rear of the building fronting Kingsfold Avenue. Officers are satisfied that the proposed extraction flue would be sited appropriately, ensuring it would not cause statutory odour or noise nuisance if the abatement plant is maintained in accordance with the proposed details. None of the neighbours adjacent at Premier Parade have objected to the proposal.

6.3.2 The ventilation scheme put forward is acceptable to both Planning and EH departments. EH officers are satisfied that this will not result in statutory odour or noise nuisance due to the specification of the proposed system. The system will be continually monitored by the EH team and they believe that this is a better option than that approved by the Planning Panel last year. The cowl at the end of the ductwork will ensure good dispersal for the cooking odours. Officers are not saying that there will be no discernible odours but if the plant is well maintained then there should be no statutory odour nuisance. High level (roof height) discharge is and always has been the preferred option of the EH Service. On the noise side then all plant will be installed internally and a silencer is to be installed so there should not be an issue with noise nuisance.

6.3.4 The previously approved ventilation system discharges close to the properties at first floor above the takeaway. The revised scheme moves the discharge location away from the adjoining residential properties. The system will vent out at a higher level and therefore would be an improvement to the neighbouring residential

amenities. This is due to it venting out away from the adjoining neighbours and a distance away from the properties to the rear which are at the nearest 23 metres away. Having regard to the above, the proposed scheme is not considered to have a significant impact in terms of residential amenity and is considered to be an improvement. Provided that the proposed ventilation is operated in accordance with the planning conditions which have been recommended, no loss of amenity is considered likely.

#### 6.4 Ventilation system and Visual Amenity

- 6.4.1 The amended scheme does have a greater impact on the streetscene and an internal ventilation scheme would be better from a design point of view. From an EH standpoint high level venting is preferred. The previously proposed extract grille was a minor change to the building in comparison with the extract ventilation system proposed. The revised scheme will result in a change to the external appearance of the building due to its height to roof level. The flue would be visible but its impact has to be assessed against other similar ventilation systems that have been approved or that are in situ in the vicinity and the previous approval for a smaller extraction flue is also a material consideration as this could still be implemented. In this case two other extraction flues are in situ on neighbouring property and have been for a while. These are located at 2 and 4 Premier Parade. While there is no history of the flue for number 2, the flue at number 4 was approved in 1998.
- 6.4.2 Although, officers are of a view that the flue will alter the character of the area, it is clear that the existing flues have set a precedent and form part of an existing character for this shopping parade. It would be hard to justify a refusal on the basis that the flue would be out of character and would detrimentally harm the street scene due to the existing flues and the recent permission for a smaller flue. With officers' concerns in mind the amended plan shows a flue that is to be painted matt black and rectangular in shape to reduce its overall appearance. Therefore, on balance taking into account EH's preference for a full height flue, and the other flues within the street scene, officers feel the proposal is acceptable. In this case the overriding benefits of the scheme outweigh officers concerns over visual amenity. The design and colour chosen helps to minimise the impact. As such, the proposal is considered to be acceptable in terms of visual amenity.

#### 7.0 Summary

The proposed scheme is policy compliant with issues relating to the principle of development, design, impact on residential amenity and visual amenity being adequately addressed.

#### 8.0 Conclusion

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 20/06/17 PROW Panel**

**PLANNING CONDITIONS**

**1. 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).

**2. Approved Plans**

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

Reason:

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

**3. External flue finish**

The extraction flue hereby approved shall be finished in matt black as shown on drawing 102 -01 and the finish shall be maintained as approved unless agreed otherwise in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties and visual amenity.

**4. Extraction Equipment**

The extraction equipment hereby approved (as shown on drawing 102 – 01) shall be installed and fully operational prior to the commencement of the A3 / A5 use approved under planning permission 16/00256/FUL. The approved measures shall be retained thereafter for the lifetime of the development.

Reason:

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

**Application** 17/00333/FUL

**APPENDIX 1**

## **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            Context

SDP16          Noise

Other Relevant Guidance

The National Planning Policy Framework (2012)

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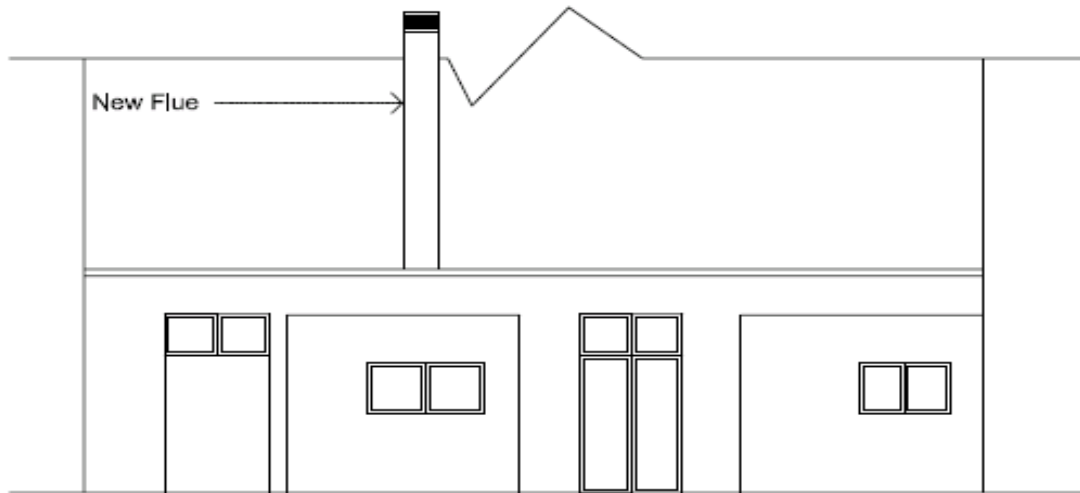
# Agenda Item 7

Appendix 2

Application 17/00333/FUL

APPENDIX 2

Rear elevation of approved scheme 16/00256/FUL extract flue up to top of first floor level



PROPOSED REAR ELEVATION

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Appendix 3



Scale: 1:1,250

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