

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (WEST) – 9 December 2014
 Planning Application Report of the Planning and Development Manager**

Application address: 92 Thirlmere Road SO16 9FN			
Proposed development: Erection Of A 2 Storey, 3 X Bed Semi-Detached House			
Application number	14/01515/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5 minutes
Last date for determination:	04/11/2014	Ward	Redbridge
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr McEwing Cllr Whitbread Cllr Pope

Applicant: Mr J Singh	Agent: D Windsor
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

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

Policies - SDP1, SDP5, SDP7, SDP9, H1 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS16, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement or a S111 agreement to secure:

i. A financial contribution of £172 per new residential unit to fund a mitigation scheme known as the Solent Disturbance Mitigation Project (SDMP).

2. In the event that the legal agreement is not completed by 25/02/2015 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 or Section 111 Legal Agreement.

1.0 The site and its context

1.1 The application site consists of a piece of land previously forming the side garden of number 92 Thirlmere Road immediately adjacent to a row of 5 terraced dwellings in the Redbridge Ward of the City. The houses face and back onto pedestrian footpaths and are laid out in terraced rows of 5 or 6 at a right angle to Thirlmere Road. The site is close to Cowley Close to the east although there is not direct vehicular access. The area is characterised by two-storey dwellinghouses of a similar scale, mostly being terraced or semi-detached.

1.2 The site is located towards the western edge of the City close to the areas of Maybush and Wimpson. The immediate area is laid out in estate style formations with areas of green space between blocks of development.

2.0 Proposal

2.1 The proposal is to erect a two-storey 3-bedroom family house to the end of the terraced row. This would include a single storey element to the front. This would also include its own private amenity space to the rear. No parking is provided on site as there is not vehicular access route to the site, only pedestrian footpath. However, parking for the houses in Thirlmere Road is laid out on the road itself. Cycle storage is proposed to the rear of the site.

3.0 Relevant Planning Policy

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

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

4.0 Relevant Planning History

4.1 07/00481/FUL - Erection of a two storey side and a single storey front extension - Conditionally approved 16/05/2007

4.2 05/01258/OUT - Erection of three-bed, end of terrace, two storey dwelling with detached garage - Refused 03/11/2014

Reasons for refusal:

4.2.1 1 - Parking access

The proposed development fails to make appropriate provision for car parking in that it results in the use of a pedestrian route for motor vehicles to the detriment of the safety of other user of this path and the amenities of adjacent occupiers. This development would therefore prove contrary to the provisions of Policy GP1 of the City of Southampton Local Plan and Policies SDP1, SDP3, SDP4, SDP5 and SDP11 of the Proposed Modifications to the Revised Deposit Version of the Local Plan Review (June 2005).

4.2.2 2- Location of sewer

The proposed development is sited within the locality of a public foul sewer, and may fall within a 3m easement of the sewer route. The lack of sufficient information to verify the relationship of the proposed works and the actual positioning of the sewer and to enable proper consideration to be given to the impact of the proposed residential development on the infrastructure within and around the site is considered to be contrary to Policies GP1 of the City of Southampton Local Plan 1995 and the objectives of Policies SDP1, SDP21 of the City of Southampton Local Plan Review Revised Deposit Version - (as proposed to be modified) - 2005.

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 on 19.09.2014. At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 More people coming and going

Response: It is judged that there would be significantly more activity as a result of an additional house than is typical of the area.

5.3 Parking

Response: It is judged that one additional house would have minimum impact on parking within the area.

5.4 3 bedrooms is too big

Response: The size, scale and massing of the property would be in-keeping with the neighbouring properties. The Council does not have minimum room size standards.

5.5 Sewer

Response: The sewer would need to be diverted for works to go ahead. This would be at the applicant's expense and to the satisfaction of Southern Water under licence via the Drainage Acts rather than the provisions of Planning.

5.6 Anti-social behaviour

Response: There is no evidence to that anti-social behaviour would arise as a result of the application.

5.7 Building mess and disturbance during construction

Response: Whilst this concern is understandable, disturbance due to construction works of an otherwise acceptable scheme is not a material planning consideration which can warrant refusal of an application. However, impacts can be mitigated by condition to ensure works are done at reasonable times of day.

5.8 No space for another house

Response: It is judged that the site is large enough to accommodate the proposal.

5.9 Overlooking

Response: The proposal meets or exceeds the minimum Council standards of the Residential Design Guide to ensure that neighbours are not adversely effected by overlooking, overshadowing and loss of light or outlook.

5.10 Greenbelt

Response: This is interpreted as 'greenfield' rather than greenbelt as Southampton does not have a greenbelt area. However, whilst the site is previously undeveloped housing provision can be provided on greenfield windfall sites.

5.11 92 Thirlmere Road is up for sale

Response: The role of planning is not to be involved with private rights and ownerships. Other legislative powers apply to concerns over boundaries, party wall agreements and other such civil matters.

5.12 Reduction in house value

Response: Whilst such a fear is understandable, the reduction in neighbouring house values either real or perceived is not in itself a material planning consideration.

5.13 Out of character

Response: It is judged that the design, scale, layout, orientation and use is in-keeping with the character of the area.

5.14 Damage to private property during construction

Response: Damage caused during works would constitute a civil matter which the planning department could not control. However, a condition can also be added to ensure that suitable access arrangements are made for construction.

5.15 Site prone to flooding

Response: No evidence has been provided to suggest that this site in particular is prone to flooding. The site is not within a flood risk zone.

5.16 Loss of view

Response: There is not right to a particular view. The role of the planning

department is to protect residential amenity not individual views.

Consultation Responses

- 5.17 **SCC Highways** - The proposed development is in keeping with the existing neighbouring properties and will create minimal additional impact on the public highway and therefore I raise no objections.
- 5.18 **SCC Community Infrastructure Levy** –The development is CIL liable as the proposal creates a self-contained residential unit. The charge will be levied at £70 per sq. m on Gross Internal Area on the new unit.
- 5.19 **Southern Water** – It might be possible to divert the public sewer so long as this would not result in an unacceptable loss of hydraulic capacity and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert the apparatus:

1. The 225mm diameter sewer requires a clearance of 3 metres either side of the public sewer to protect it from construction works and allow for future access for maintenance
2. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer
3. None soakaways should be located within 5 metres of a public sewer
4. All other existing infrastructure should be protected during the course of the construction works.

Due to changes in legislation regarding future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, number of properties served and potential means of access before further works commence on site.

Request condition that further information on the measures that will be undertaken to divert the sewer prior to commencement. Southern Water also require a formal application to connect to the sewer.

- 5.20 **Cllr McEwing** - I have no problem with this providing it fits in with the local area as previously 1 off fits in this road.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are: the principle of the development; design and character; residential amenity; highway safety and parking and; the drainage and sewer system.

6.2 Principle of Development

- 6.2.1 The principle of developing the land for residential purposes is acceptable given the residential nature of the area. The housing density of the site is low with 33 dwellings per hectare which is acceptable in this location (Band 2 in the Public Transportation Accessibility Level map) under CS5 allowing density of between

30-50 dph. Policy CS16 demonstrates the need for family housing and H1 allows for windfall sites to be developed.

6.3 Design and character

6.3.1 The property has been designed to match the existing properties within the terrace. Whilst the site plan shows that the other properties have only small porches, many of these have been extended in the area over time. Sloping roofs have replaced the original flat roofs in places. Therefore the single storey element to the front is in-keeping with other sites. The materials should match those of the existing terrace and an appropriate condition should be added to secure this.

6.3.2 The plot is large enough to accommodate the size of the structure without having a detrimental effect on the area. There are two 5 and two 6 property terraced rows in the immediate area, laid out at right-angles to the road. The scheme is sympathetic to the spatial characteristics of the estate.

6.4 Residential amenity

6.4.1 The site is large enough to accommodate the property and sufficient garden space in line with the RDG minimum standard of 50sqm for a terraced property. The actual amount of private rear garden space would be around 130sqm not including the side and front garden areas. Bin and cycle storage locations have been indicated to the front and rear. Details need to be arranged prior to commencement.

6.4.2 There are no side windows in the property so there would not be an interlocking issues between the property and properties to the east in Cowley Close, the closest being no. 46. There is around 8m between the two properties. The scheme complies with the back-to-back distances of the RDG (21m between 2 storey houses) with both the property to the front (no. 122) and to the rear (no. 82). There is around 20m between the windows of the property and no. 44 Cowley Close. Based on the above information, it is judged that the proposed dwelling would be sufficient distance from all the neighbouring properties to maintain satisfactory outlook and avoid overshadowing and privacy issues.

6.5 Highway safety and parking

6.5.1 The Highways team have indicated that the property would have minimal additional impact on the public highway. Parking is available on Thirlmere Road as well as other nearby roads. Some of the properties at the end of the terraces towards to road have their own garages. It is judged that there would be no highway safety or amenity issues as a result of a limited increase in potential vehicle traffic.

6.6 Drainage and sewer system

6.6.1 A previous application in 2005 was refused partly due to the sewer system below the site. Whilst this has been taken into consideration in determining this application, Southern Water has been consulted as a statutory consultee and have advised that the sewer would need to be redirected to accommodate the building but if it is done to their satisfaction, they would not object to the proposed scheme. They have also advised that the surface water should not run off into the public sewer. Details of adequate surface water drainage methods would need to be secured prior to the commencement of works and agreed by the Local Planning Authority in consultation with Southern Water. The applicant is advised to speak with Southern Water as the earliest opportunity as the works would not be able to go ahead without the diversion of the sewer having first been undertaken.

6.7 Note: Sustainability

6.7.1 All new build properties must achieve Code for Sustainable Homes Level 4. A condition should be added to ensure that the building can achieve the correct code level and to ensure it is constructed as such.

6.8 Note: Solent Disturbance Mitigation Project

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

6.8.2 This application has not yet complied with the requirements of the SDMP in order to meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). Therefore it is recommended that the application is delegated to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement or a S111 agreement to secure the SDMP contribution.

7.0 Summary

7.1 Overall, it is judged that the new property would be in-keeping with the character of the area in terms of its design, size and orientation. The above report demonstrates that the property would not breach the Council's Residential Design Guide standards which ensure adequate residential amenity to both new occupiers and existing neighbours. The scheme would not have an adverse impact on parking or the highway.

8.0 Conclusion

8.1 The application is recommended for approval subject to conditions

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

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

JOAHAL for 09/12/2014 PROW Panel

PLANNING CONDITIONS for 14/01515/FUL

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

The development works 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. APPROVAL CONDITION - Approved Plans

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

Reason:

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

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

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

Reason:

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

04. APPROVAL CONDITION - No other windows or doors other than approved in first floor side elevation [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof

windows or dormer windows), doors or other openings shall be constructed on the eastern first floor side elevation without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenity and privacy of the adjacent property.

05. APPROVAL CONDITION - Boundary fence [Pre-Occupation Condition]

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

Reason:

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

06. APPROVAL CONDITION - Construction traffic access/ egress arrangements (Pre-Commencement Condition)

Prior to works commencing on the site details of the means of access for construction (and demolition) of the structures on the site shall be submitted to and agreed with the Local Planning Authority. Such details shall indicate any areas of equipment and material storage during the work period and any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

Reason:

In order to protect the residential amenity of nearby properties.

07. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

08. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

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

09. APPROVAL CONDITION - No water discharge into foul sewer [Performance Condition]

No surface water shall be discharged into the public foul sewer.

Reason:

To ensure that the proposed development is satisfactorily drained and to reduce the risk of flooding downstream.

10. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

Reason:

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

11. APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Prior to the first occupation of the development details and plans of the covered, enclosed and secure bicycle storage for at least 1 bicycle shall be submitted to and approved in writing by the Local Planning Authority. The storage area shall thereafter be used for the purposes for which it is provided.

Reason:

To encourage cycling as an alternative form of transport.

12. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

Note to applicant - Public Sewer diversion and connection

The developer must agree with Southern Water the measures which will be undertaken to Divert/protect the public sewers prior to the commencement of the development in order to safeguard the public sewer.

A formal application for connection to the public sewerage system is also required in order to service this development.

Please contact Southern Water, Southern House, Sparrowgrove, Otterborne, Hampshire, SO21 2SW (tel. 0330 303 0119) or www.southernwater.co.uk.

Note to Applicant - Community Infrastructure Liability (Approval)

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

Note to Applicant - Pre-Commencement Conditions

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

Note to Applicant - Performance Conditions

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

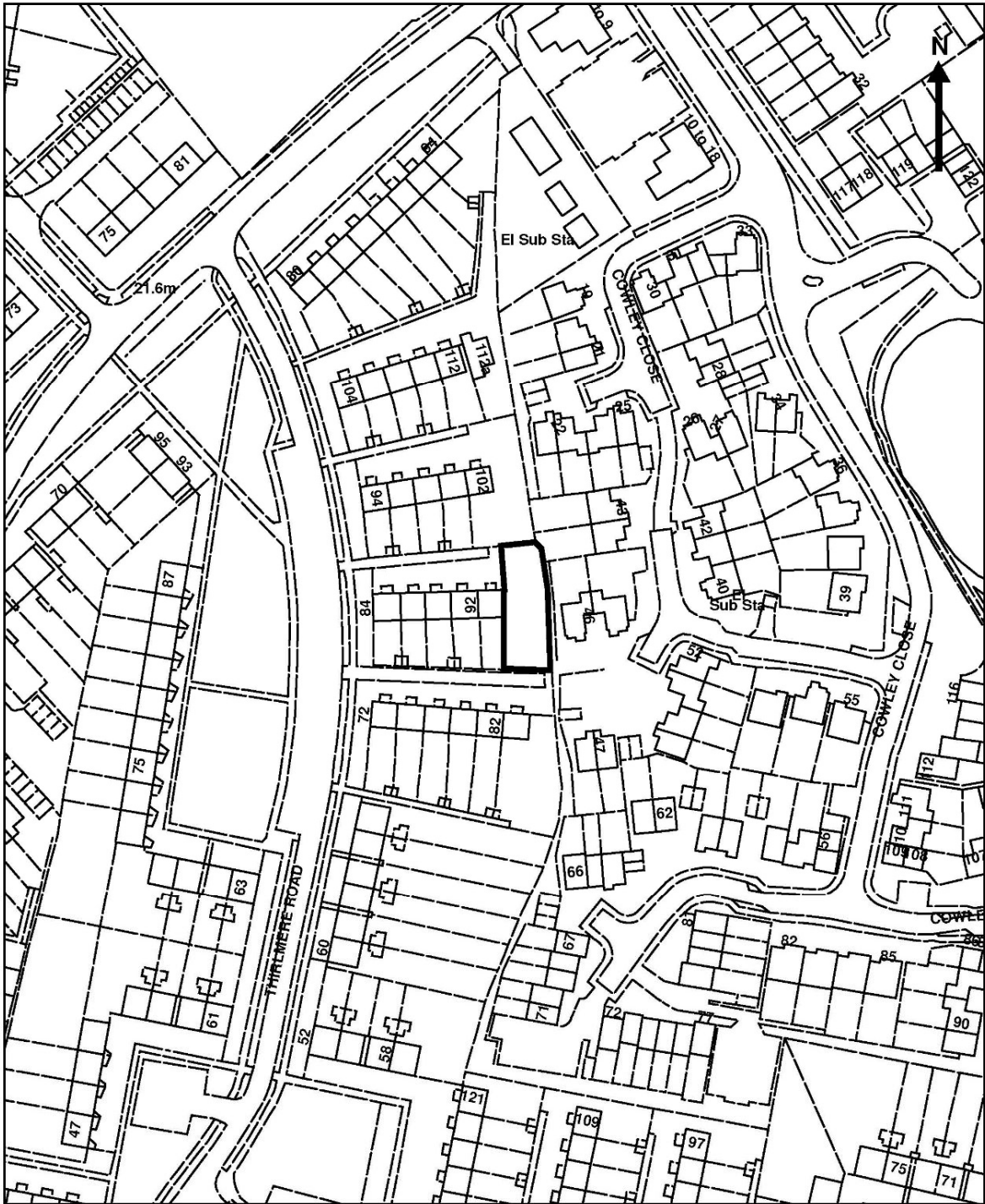
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Scale: 1:1,250

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