

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 28th September 2010  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b>			
492 Winchester Road SO16 7BG			
<b>Proposed development:</b>			
Replacement of existing boundary treatment with 2 metre high wall and railing with timber panel detail to central section and 2.4 metre high vehicle entrance gates (Resubmission 09/01171/FUL)			
Application number	10/00607/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	16.07.2010	Ward	Bassett
Reason for going to Panel	Referred by Ward Councillor in accordance with agreed procedure	Ward Councillors	Cllr Samuels Cllr Mizon Cllr Hannides
<b>Applicant:</b> Mr Sean Knowlson		<b>Agent:</b> Mr Brian Ryves	
<b>Recommendation Summary</b>	<b>Conditionally approve</b>		

### Reason for Granting Permission

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Having careful regard to the concerns raised by the neighbouring occupiers, the new boundary treatment will make a positive contribution to the appearance of the street scene, whilst facilitating an improvement to the safety of the vehicular access onto Winchester Road. 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.

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

<b>Appendix attached</b>			
1	Development Plan Policies	2	Copy of decision notice 09/01171/FUL
3	Copy of Enforcement Notices		

## **Recommendation in Full**

### **Conditionally approve**

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

1.1 This application site consists of two storey detached dwelling which lies within a predominantly residential area, mainly characterised by two storey property with a range of styles and sizes. The front of the property is enclosed by a tall close boarded fence and dense tree cover.

#### **2. Proposal**

2.1 The existing close boarded fence along the pavement edge will be replaced with a 800mm high brick wall and row of piers 2.1 metres high separated by metal railings in the gaps, including a new pedestrian railing gate. The vehicle access has been widened to 4.5 metres with a 2.4 metre high sliding gate enclosing the access, set back 4.5 metres from the pavement edge. There will be a timber panel fence no taller than the front boundary treatment installed behind part of the new boundary treatment.

#### **3.0 Relevant Planning Policy**

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

3.2 Saved policy SDP1 (Quality of Development) of the Local Plan Review requires development to have an acceptable affect on the health, safety and amenity of the city and its citizens.

3.3 Saved policy SDP7 of the Local Plan Review requires the proposal not to cause harm to the character and appearance of an area, by respecting the existing layout of buildings within the streetscape, and the scale, density and proportion of existing buildings. Saved policy SDP9 requires the design of the proposal to be high quality and respect the surroundings in terms of scale, massing and visual impact. Policy CS13 of the Core Strategy seeks the proposal to respond positively and integrate with its local surroundings and character, whilst being of appropriate scale, massing, and appearance.

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

4.1 The applicant was found to be operating an unauthorised security business use at the family dwelling, involving the storage of working dogs and vehicles. Two Enforcement Notices were served in August 2006 requiring the following:-

(i) to remove the kennel, store and deck structure and the materials resulting from the demolition of the structure from the land and refrain from siting them anywhere else on the land, (ii) reinstate the land as garden.

(i) cease to use the land for the purpose of operating a security business, (ii) remove from the land all dogs other than one working dog, handled by the owners of the land, and up to three pet dogs, (iii) allow no more than one van or vehicle, used in connection with the security business to be kept on or parked on the site at any one time.

Appeal no. APP/D1780/C/06/2025878 and APP/D1780/C/06/2025877 against the Enforcement Notice was dismissed in June 2008 on and the requirements of the notices upheld. The notices are attached to **appendix 3**. The Council has an ongoing investigation to monitor the property to check whether the requirements of the notice have been complied with.

**4.2** Previous application 09/01171/FUL (attached to appendix 2) for similar works was refused in January this year for the following reasons:-

**1. Insufficient information has been submitted on the proposed brick wall on the south perimeter boundary by virtue of its location, scale and size in relation to two protected oak trees. This would be of the detriment to the character and appearance of the area.**

**2. The proposed brick wall on the south perimeter boundary by virtue of its location, scale and size in relation to the public highway has not provided sufficient sightlines for existing vehicles. This would impact on highways safety of the area.**

## **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 also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **15** representations have been received from surrounding residents. The following observations/comments were made:

- Close inspection by the Council Tree Team of protected trees should be taken during construction.

### Response

The Tree Team are satisfied with the protection measures recommended in the Tree Report submitted with the application.

- The area of the application site is larger on the proposed site plan when overlaid with the existing site plan which shows that the space for turning of vehicles occurs outside their land.

### Response

The plans were originally printed out of scale. This printing error has now been rectified to show that the property boundaries on the existing and proposed site plan do correspond accurately and the applicant is not seeking to use the land 480 Winchester Road for additional turning space.

- The panels fitted behind the wall are not sufficient to keep the owner's dogs inside, and the timber panels around entrance returns should be stipulated by the council.

### Response

Whilst the layout and design of the boundary treatment creates a secure enclosure to keep dogs at the front of the property, the behaviour of dogs under the ownership of the applicant is a matter to be enforced under statutory Environmental Health legislation.

- The requirements the enforcement notice are not being followed which will result in commercial vehicles parking in the turning space created in the driveway.

### Response

The Council has an ongoing investigation to monitor the property to check whether the requirements of the notice have been complied with. This matter is separate to the determination of this application. To ensure that this space can be maintained, the applicant should agree surface treatment works to demarcate the turning space in the driveway.

- Existing buildings in the driveway will obstruct the turning space and there is insufficient space for the number vehicles of parked at 492, and use of these buildings is not indicated. The parking of a disabled person's vehicle and widening the access closer to 480 will reduce the visibility of vehicles exiting onto Winchester Road to the detriment of highway safety.

### Response

These issues are addressed in detail in section 6 of the report - Planning Considerations.

**5.2 SCC Highways** - Following the amended plans received, the Highway Officer has raised no objection to the impact on highway safety.

**5.3 SCC Tree Team** – No objection raised to the impact on the three significant Oaks on the front boundary, providing that the development is carried out in accordance with the details set out in the Barrell Consultancy Arboricultural Method Statement. Any pruning works of the mixed understorey/hedge trees will need to be agreed with the Council's Tree Team under a separate application for tree works.

## **6.0 Planning Consideration Key Issues**

6.1 The applicant has to demonstrate that the reasons for refusal set out under application 09/01171/FUL have been addressed. The key issues for consideration in the determination of this planning application are:

### **6.2 Impact on Highway Safety**

6.2.1 Following discussions during the application stage between the SCC Highway Officer and the applicant's agent, amended plans were submitted to address highway safety concerns initially raised by the Officer. This includes setting back and straightening the entrance walls to improve the pedestrian sight lines for vehicle egress onto Winchester Road, using a sliding gate to improve the amount of turning space.

6.2.2 The plans show that a typical sized vehicle will not overhang the vehicular highway whilst waiting for the gates to open. In accordance with the maximum parking standards for a low accessibility zone as defined by policy CS19 of the Core Strategy, the Highway Officer is satisfied that the tracking diagram shows that there is adequate vehicle turning space within the driveway for two vehicles to be parked and enter and leave the driveway in a forward gear. To ensure that this space can be maintained, the applicant should agree surface treatment works to demarcate the turning space in the driveway.

6.2.3 The access gap between the pillar driveway entrance will be widened by 1 metre, and the access gap adjoining the public footway will be widened 3 metres closer to the nearest common boundary of 480 Winchester Road. The purpose of the access gap widening is to improve the openness of the visibility for vehicles exiting 492 Winchester Road, which is an acceptable standard to the DC Highway Officer. The neighbour at 480 is concerned that the widening of this access gap will push vehicles parking on double yellow lines outside 492 Winchester Road closer towards the access of 480, then making it harder to clearly see on-coming vehicles when exiting their driveway. The enforcement of

illegal parking does not fall under the control of the planning system which is enforced by the Police and, therefore, is not a planning material consideration for this application.

6.2.4 Enforcement Notice ref. no. 06/00039/ENF issued on 25th August 2006 and upheld by the Inspectorate under appeal no. APP/D1780/C/06/2025877, requires the applicant to park no more than one van or vehicle used in connection with the security business to be kept on or parked on the site at any one time. The ongoing enforcement investigation relating to the parking of business vehicles at the property is separate matter to the consideration of this application.

6.2.5 As such the proposal is considered to have an acceptable impact on highway safety.

### 6.3 Impact on visual amenity

6.3.1 The existing close boarded fence along the pavement edge will be replaced with a 800mm high brick wall and row of piers 2.1 metres high separated by metal railings in the gaps, including a new pedestrian railing gate. There will be a timber panel fence no taller than the front boundary treatment installed behind part of the new wall and railings. Introducing the railings and brick wall will be a significant improvement in the quality of materials to the appearance of the existing boundary treatment fronting Winchester Road and, therefore, considered to make a positive contribution to the appearance and character of the local area.

6.3.2 The SCC Tree Team have raised no objection to the impact on the three protected Oaks on the front boundary, providing that the development is carried out in accordance with the details set out in the Arboricultural Method Statement. Any pruning works of the mixed understorey/hedge trees should be agreed with the Council's Tree Team under a separate application process for tree works.

6.3.3 As such the proposal is considered to have an acceptable impact on visual amenity.

## **7.0 Summary**

7.1 The applicant has demonstrated that the reasons for refusal under application 09/01171/FUL have been addressed, whereby suitable tree protection measures are provided, and adequate sightlines for safe vehicle access are incorporated in the revised design of the boundary treatment. The new boundary treatment will make a positive contribution to the street scene, whilst facilitating an improvement to the safety of the access from the property onto Winchester Road.

## **8.0 Conclusion**

8.1 This application has been assessed as being acceptable to highway safety and its local visual setting. The application is recommended for approval.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4 (f), 6(c), 7(a), 10(a), 10(b)

**SB for 28/09/10 PROW Panel**

### **PLANNING CONDITIONS**

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

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

Reason:

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

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

Unless otherwise agreed in writing by the Local Planning Authority, the materials and finishes to be used in the construction of the boundary treatment and means of enclosure hereby permitted shall be in accordance with the approved plans.

Reason:

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

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

The development hereby permitted shall be implemented on site in accordance with the Barrell Consultancy Method Statement ref: 10113-AIA-Wall-PB dated 30th April 2010 in respect of the protection of the trees to be retained during all aspects of work and will be adhered to throughout the duration of the demolition and development works on site.

Reason

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

#### 04. APPROVAL CONDITION - Sliding gates

The gates hereby approved shall only be sliding gates as specified by drawing number 102 Rev B received on 10th August 2010 and maintained in that form at all times.

Reason:

To define the consent for the avoidance of doubt and in the interests of highway safety to maintain an adequate level of turning space.

#### 05. APPROVAL CONDITION - Parking

The development hereby approved shall not commence until details for surface treatment works to provide an adequate turning space in accordance with drawing no. 101 Rev B have been submitted and agreed in writing by the Local Planning Authority . The development to which this consent relates shall not be brought into use in full or in part until the space approved has been laid out and kept clear at all times for vehicles to turn so that they can enter and leave in a forward gear.

Reason:

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