

**Planning and Rights of Way Panel 22<sup>nd</sup> August 2017**  
**Planning Application Report of the Service Lead – Planning, Infrastructure & Development**

<b>Application address:</b> 10 Cecil Road, Southampton			
<b>Proposed development:</b> Erection of 2 x three bed semi-detached dwellings with associated bin/cycle storage following demolition of existing bungalow			
<b>Application number</b>	17/00730/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	29.06.2017	<b>Ward</b>	Peartree
<b>Reason for Panel Referral:</b>	More than 5 letters received from local residents	<b>Ward Councillors</b>	Cllr Lewzey Cllr Houghton Cllr Keogh

<b>Applicant:</b> Mr Mark Vincent	<b>Agent:</b> Knight Architectural Design
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<b>Recommendation Summary</b>	<b>Delegate to Service Lead – Planning, Infrastructure &amp; Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The revised submission has addressed the previous concerns of both the LPA and the Planning Inspectorate raised under LPA ref: 16/00524/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, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H2, H7 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	16/00524/FUL – Refusal Notice & Plans
3	16/00524/FUL - Appeal Decision		

## **Recommendation in Full**

1. Delegate to the Service Lead – Planning, Infrastructure & Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure:
  - i. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
2. That the Service Lead – Planning, Infrastructure & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
3. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure & Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 111 or Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

## **Background**

This planning application is a resubmission of a proposal for a pair of semi-detached dwellings. The earlier scheme was refused under delegated powers for the 3 reasons outlined in this report. The applicants appealed the Council's decision and the Planning Inspectorate dismissed the appeal due to the impact of the previous scheme on the residential amenity of the site's neighbours. This application amends the proposals and seeks to address the concerns raised by the Inspector. All relevant planning history is appended to this report for assistance.

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

- 1.1 The site lies within the ward of Peartree. The site consists of a detached bungalow on the eastern side of Cecil Road which currently benefits from off street parking spaces. The surrounding area is mainly characterised by residential properties in a mixed style of 2 storey dwellings. There are no parking restrictions within Cecil Road and nearby streets. The site is within a 1km walking distance of the Woolston District Centre. The site is not within a designated conservation area.

### **2. Proposal**

- 2.1 It is proposed to demolish the existing bungalow and replace it with a 2 storey pair of semi-detached dwellings (3 bedrooms each). No parking spaces will be retained within the frontage. This application is similar in design to the previously refused application 16/00524/FUL, however, the main differences are:-
  - The back to front length of the building has been reduced by 1.3m;
  - The building footprint has been moved forward by 3m which results in nil parking now proposed; and
  - The roof is fully hipped in profile

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

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council’s strategic target for housing supply.
- 3.5 Policy CS5 acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.6 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council’s approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012). A car free development is, in principle, possible under this Policy and guidance.

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

- 4.1 There were 2 planning applications refused in 2016 (ref no. 15/02365/FUL and 16/00524/FUL) at this address to redevelop the site into 2 houses. The latter application was refused on the grounds of increased competition for on street parking, and loss of amenity to neighbouring occupiers. The plans and decision notice are attached to this report at **Appendix 2**. The refusal of 16/00524/FUL was subsequently dismissed at appeal on grounds of loss of amenity to neighbouring occupiers (see paragraph 7 at **Appendix 3**). The parking reason for refusal was not upheld by the Inspector – see paragraph 12 of the appeal decision notice..

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (16.05.2017). At the time of writing the report **12 representations** have been received from surrounding residents - all from Cecil Road. The following is a summary of the points raised at the time of writing this report:

5.1.1 **Out of character and overdevelopment. The plot is only suitable for 1 dwelling and will have a cramped appearance.**

Response

The streetscene is characterised by two storey development with a good mix of detached and semi-detached housing. The Planning Inspector found that a 2 storey form of dwelling was acceptable within the context of other buildings within Cecil Road. They comment that 'the existing bungalow is an anomaly in the street and the because of the larger plot width and the sympathetic design I find that proposed dwellings would relate satisfactorily to neighbouring houses in terms of height, scale and design' (Paragraph 13 refers).

5.1.2 **Loss of privacy, outlook and light to neighbouring occupiers despite the changes from the previous application.**

Response

The revised scheme has been assessed against the guidance of the Council's approved Residential Design Guide. Previous concerns are considered to have been addressed by the current amendments for the reasons given later in this report. The Planning Inspector only considered that there would be a harmful loss of amenity to the occupiers of 8 Cecil Road. There is no longer an overbearing impact by pushing forward and shortening of the length of the new building (by some 4 metres) and the circumstances are not worsened for the other neighbours. As such, the Inspector's reservations with the earlier scheme have now been fully addressed.

5.1.3 **Additional traffic will cause congestion, including access for emergency vehicles, and overspill parking in Cecil Road and surrounding streets leading to road safety problems and increased competition for on street parking. Cecil Road is particularly busy during evenings and weekends, so much so, that some residents have to park their vehicles in adjoining streets/roads. Some residents in the road cannot utilise their driveways due to the number of vehicles which are already parked on the road restricting access. The Planning Inspector's assessment of parking was flawed as it was during the day, instead of the evening, when residents take their cars to work. The parking situation would be worse than the previous application as no parking is proposed.**

Response

Although the original parking survey has not been updated, significant weight can still be attached to the survey submitted under the previous application, which showed capacity to absorb 9 on street parking spaces should an overspill arise. The Planning Inspector agreed that the survey carried out was suitable. The Inspector did make their observations during the day, however, they have to

base their decisions on the evidence in front of them. They comment that *‘Cecil Road is a relatively short road, and many of the dwellings have off-street parking, with several having space for 2 or more cars, and do not rely on parking on the road. The appellant’s survey showed 9 spaces late at night; even if some people were to arrive home after this time, I consider that it would be unlikely that there would be many who would park on-street, and it is even more improbable that all 9 free spaces would be taken. The photograph supplied by the appellant shows plentiful daytime on-street parking and this chimes with what I found on my site visit. I recognise that the submitted evidence provides only “snapshots” of the parking position at particular times, but there is no substantive evidence to refute the claim that there is adequate capacity to absorb any overspill parking demand that might arise from the proposal’* (paragraph 11 refers). The previous scheme had 2 useable spaces.

## **Consultation Responses**

- 5.2 **SCC Highways** – This proposal offers no parking, the previous scheme which the inspector did not concur with our advice had 2 off street parking spaces.

### Response

Having discussed the matter with the Highways Team it is clear that no objection is again given to the proposal by them despite a reduction of 2 parking spaces from the earlier scheme. The previous Inspector’s comments relate to a parking survey undertaken at 11pm on Friday 10<sup>th</sup> June 2016 where there was an acceptance that there is capacity to deal with a parking overspill from this development of up to 9 vehicles.

- 5.3 **SCC Sustainability Team** – No objection subject to conditions for energy and water efficiency to ensure compliance with policy CS20.

- 5.4 **Southern Water** – No objection.

- 5.5 **SCC Environmental Health** – No objection subject to conditions.

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

- 6.1 The application needs to be assessed in terms of whether it has addressed the previous reasons for refusal, following the appeal, and against the following key issues:

- Principle of Development;
- Design and Impact on Character and Amenity;
- Parking and Impact on Highway Safety; and
- Appropriate Mitigation

### 6.2 Principle of Development

- 6.2.1 This proposal would contribute towards the delivery of family housing stock and is, therefore, welcome in principle. The development would achieve a residential density of 55 dwellings per hectare (dph). This will be comfortably in the range of 50 to 100 dph that the Policy CS5 suggests as being appropriate for medium accessibility locations such as this. The principle of making more efficient use of previously developed land for housing is supported, however, this would be subject to an assessment of the relevant material considerations as set out below.

- 6.2.2 The Planning Inspector has accepted the principle of making more efficient use of the land to add to the housing stock (**Appendix 3**; paragraph 15), whilst they were supportive of the 2 storey form to match the rest of the street. The layout of the scheme has been revised in order to address the concerns raised by the Planning Inspector. These are primarily the impact on amenity of 8 Cecil Road as the Planning Inspector disagreed with the Council's other reasons for refusal relating to parking and highway safety problems.

### 6.3 Design and Impact on Character and Amenity

- 6.3.1 As mentioned above, the 2 storey form of the semi-detached pair was not rejected by the Planning Inspector and, therefore, significant weight should be given to this decision. The size of the plots provides for sufficient space to provide for all the necessary amenities to create suitable living conditions for the occupiers, whilst the 55 dph density of development is well within the expected range of 50-100 dph. The application is not considered to be an overdevelopment.
- 6.3.2 It was found by the Planning Inspector that the amenity of 12 Cecil Road would not be adversely affected (paragraph 4). The impact on this property has not significantly changed since the outcome of this appeal with this revised scheme.
- 6.3.3 The relationship with 8 Cecil Road has been significantly improved by pulling the building forward by 3m and shortening its length by 1.3m. The indented rear wall of the new dwelling no longer extends all the way to the rear of wall of 8 Cecil Road. This would now extend 1.9m beyond the nearest rear windows of 8 Cecil Road in comparison to 6m before. The inner and indented wall of the new dwelling both comply with the 45 degree line taken from (quarter point) of the rear facing windows adjacent to the common boundary. The separation of 2.7m from the common boundary would no longer be considered as overbearing when seen from the kitchen window or rear facing windows. The outer indented wall also follows the building line of the existing bungalow so the kitchen already looks out onto a brick wall for its outlook. As such, the new building would no longer be unduly overbearing to the outlook of 8 Cecil Road, whilst the shadow of the new building does not cast over 9 Cecil Road given its orientation to the north east. The revised scheme now complies with Local Plan Review Policy SDP1(i) and has addressed the Inspector's reason for dismissing the previous appeal.

### 6.4 Parking and Highway Safety

- 6.4.1 The 2011 Census for Woolston indicates that 29.5% of households do not have access to a car, 45.2% have access to one car and 25.4 have access to 2 or more cars. The Council's Parking Standards permits the applicant to provide less than the maximum number of 2 spaces per dwelling, however, the applicant would normally be expected to carry out a parking survey to assess the local capacity of kerbside parking. The Highways Officer has pointed out that the scheme is different to the appeal scheme by providing no parking spaces. The earlier scheme had 2 useable spaces, which have now been lost by moving the building footprint closer to Cecil Road. In spite of the parking concerns made by local residents the Planning Inspector gave significant weight to the applicant's parking survey from 11pm on Friday 10<sup>th</sup> June 2016 (paragraph 10 refers). This was even though the methodology of the survey was not done in accordance

with the Lambeth model as requested by the Council. Combined with their observations during their site visit, the Inspector considered that the street is likely to enjoy capacity in the evening of up to 9 parking spaces. This would provide sufficient capacity to absorb the demand from the new dwellings (paragraph 11). Officers consider that the previous reason for refusal can no longer be sustained in light of the Inspector's rationale and conclusion and to do so would put the Council at risk of an award of costs should the applicant chose to appeal once again.

- 6.4.2 In the context of the current application being considered the Inspector's judgement would still hold significant material weight as the local circumstances would have not significantly changed since the appeal decision in January 2017. The applicant is now relying solely on the weight given by the Inspector and has not submitted a new parking survey for this application. Although there would be no off street parking provided for the new dwellings the original survey indicates that there would be sufficient capacity to absorb up to 4 new cars (a maximum of 2 per dwelling proposed as an overspill) within the local area.
- 6.4.3 The Highways team has not raised an objection in terms of highways safety. The details of bin and cycle storage can be agreed further by condition. As such, the scheme's parking demands are met.

## 6.5 Other Matters

- 6.5.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £181 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.
- 6.5.2 The contributions deemed to make the development necessary, as listed in the recommendation, can be secured through the S106 agreement subject to the panel granting a resolution to support the scheme and delegating powers to officer's to complete the S106.

## 7. Summary

- 7.1 In summary, this is a well-designed residential scheme in terms of its layout and scale that will sit comfortably within the mixed character of the surrounding area. The more efficient use of previously developed land would contribute to the family housing stock for the city. The layout of the development will respect the amenity of neighbouring occupiers, whilst the impact on road safety and on-street parking pressure is deemed acceptable in light of the attached appeal decision.

## **8. Conclusion**

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

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

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

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

**SB for 22/08/17 PROW Panel**

## **PLANNING CONDITIONS**

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

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

### **02. Details of building materials to be used**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of 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. Residential - Permitted Development Restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Reason: In the interests of residential amenity.

### **04. Amenity Space Access**

Before the development hereby approved first comes into occupation, the external amenity space (including laying out as a grassed surface) and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.



Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

#### **05. Energy & Water (Pre commencement)**

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

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (March 2015 amended)

#### **06. Energy & Water (Post Occupation)**

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

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (March 2015 amended).

#### **07. Boundary Treatment**

Before occupation of the development hereby approved, details of boundary treatment for the site and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The agreed enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

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

#### **08. Unsuspected Contamination**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

### **09. Use of uncontaminated soils and fill**

Only clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall be permitted for infilling and landscaping on the site. Any such materials imported on to the site shall be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

### **10. Refuse & Recycling**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.  
Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at [Waste.management@southampton.gov.uk](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

### **12. Wheel Cleaning Facilities**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

### **13. Construction Management Plan**

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

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

- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

#### **14. Landscaping, lighting & means of enclosure detailed plan**

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

- i. hard surfacing materials (consisting of permeable and non-migratory);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. a landscape management scheme.

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

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

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

#### **15. Approved Plans**

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

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

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

16/00524/FUL/34721



**DETERMINATION OF APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Town and Country Planning (Development Management Procedure) (England) Order 2015**

Knight Architectural Design  
Mr Ian Knight  
7 Coldeast Way  
Sarisbury Green  
Southampton  
Hampshire  
SO31 7AT

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

**FULL APPLICATION - REFUSAL**

**Proposal:** Erection of 2 x 3-bed semi-detached dwellings with associated parking and bin/cycle storage, following demolition of existing bungalow (resubmission of 15/02365/FUL)

**Site Address:** 10 Cecil Road, Southampton, SO19 2HX

**Application No:** 16/00524/FUL

For the following reason(s):

**01. Residential Amenity**

The scale and massing of the proposed dwellings and the close proximity to the side boundaries with the neighbouring properties would adversely affect the amenities of the neighbouring occupiers. In particular, the dwellings would appear unduly dominant and overbearing from the outlook of habitable room windows in the side flank and inner rear walls of 8 Cecil Road. The two-storey height, depth, rearward projection and proximity to the side site boundary would adversely affect the light and outlook of the neighbouring property. This impact is symptomatic of the siting of the proposed building footprint being at odds with the established pattern of development in Cecil Road. This is predominantly characterised by a distinctive rear building line at 2 storey level which ensures a reasonable outlook for the existing dwellings. The proposal would, therefore, prove contrary to the provisions of policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (amended 2015) and Policy CS13 of the Southampton Core Strategy Development Plan Document (amended 2015) as supported by section 2 of the Residential Design Guide Supplementary Planning Document (September 2006).

**02. Insufficient Car Parking**

Based on the information submitted, it has not been adequately demonstrated that the development would not have a harmful impact on the amenities of nearby residential occupiers through increased competition for on-street car parking. As such, it is not clear the level of car parking proposed is sufficient to meet the travel demands of the development, particularly since less spaces would be provided than the Council's maximum adopted standards. The development would, therefore, be contrary to the provisions of Policy SDP1 of the City of Southampton Local

Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

03.Lack of Section 106 or unilateral undertaking to secure planning obligations.

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



**Samuel Fox**  
**Planning & Development Manager**

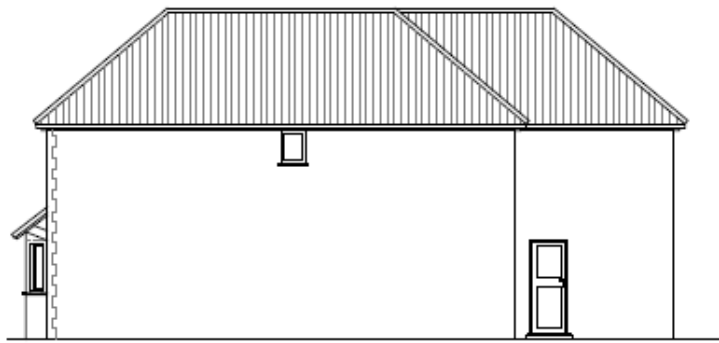
7 July 2016

For any further enquiries please contact:  
**Stuart Brooks**

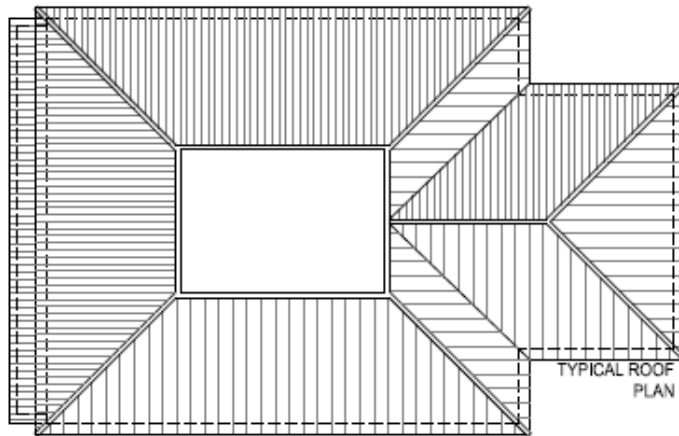
**IMPORTANT NOTE TO APPLICANT**

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings:

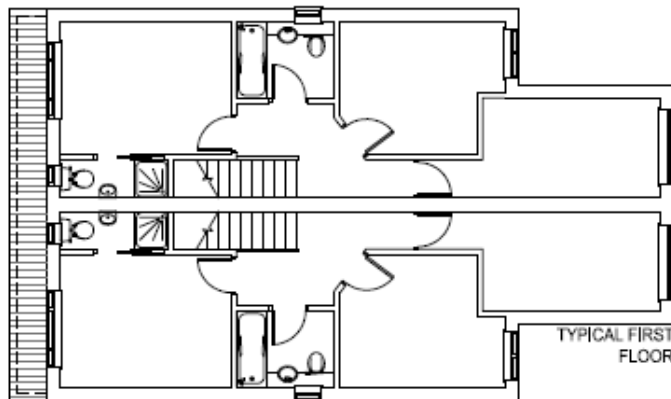
Drawing No:	Version:	Description:	Date Received:	Status:
KAD 03 A BP	Rev A	Proposed Plans	25.05.2016	Refused
KAD 02 A SK1	Rev C	Proposed Plans	25.05.2016	Refused
KAD 04 A SE	Rev A	Proposed Plans	25.05.2016	Refused
KAD 01 A SK1	Rev B	Proposed Plans	25.05.2016	Refused



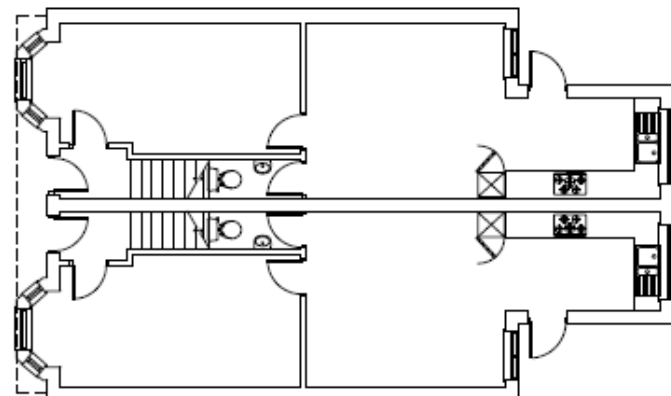
SIDE ELEVATION (MIRROR ON BOTH SIDE)



TYPICAL ROOF  
PLAN



TYPICAL FIRST  
FLOOR



Rev		Revised		By	Date
<b>KAD</b> NIGHT <b>ARCHITECTURAL</b> <b>DESIGN</b>					
<small>K.A.D. Ltd          The Gatehouse, Ashburton Road          7 Colson Way          The Valley Green          Southampton          SO31 3AT          Tel: 07031 348 478          E: info@kad.co.uk          or kad@kad.co.uk</small>					
<b>Client:</b> MR. M. VINCENT					
<b>Project:</b> 10 CECIL ROAD ITCHEN - SOUTHAMPTON					
<b>Drawn:</b> PROPOSED REPLACEMENT DWELLINGS					
<b>Scale:</b> 1:100@A3		<b>Date:</b> APRIL 2016			
Indicates	Quantity	Material	Notes		
KAD	01	A	SK1	A	

brick fronted & rendered  
side and rear



FRONT ELEVATION



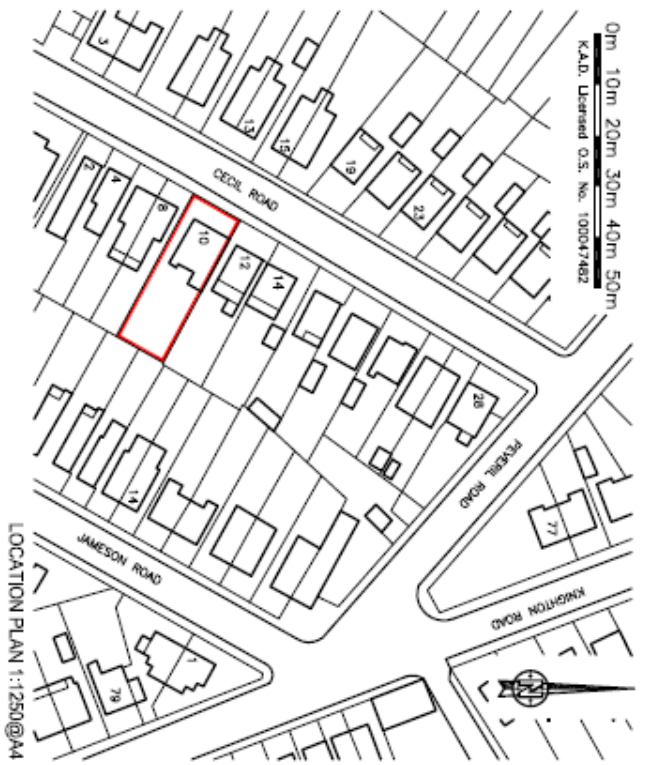
REAR ELEVATION

0m 10m 20m 30m 40m 50m

# EXISTING SITE PLAN



0m 10m 20m 30m 40m 50m  
K.A.D. Licensed O.S. No. 100047482



LOCATION PLAN 1:1250@A4



<b>K.A.D. NIGHT</b> <b>KARCHITECTURAL</b> <b>AD</b> <b>DESIGN</b> <small>The Corporation Architects Ltd.          10 Cecil Road          Itchen - Southampton          SO19 2HX          Tel: 07007 346 479          Fax: 07007 346 478          Email: info@kad.co.uk</small>		Date: _____ Scale: _____ No. _____ Size: _____
Client: <b>MR. M. VINCENT</b>		
Project: <b>10 CECIL ROAD          ITCHEN - SOUTHAMPTON          SO19 2HX</b>		
Drawn by: <b>LOCATION &amp; BLOCK PLAN</b>		
Date: <b>1:5000@A4</b>	Date: <b>DEC 2015</b>	
Project No: <b>KAD 03</b>	Stage: <b>A</b>	Type: <b>BP A</b>





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## Appeal Decision

Site visit made on 17 January 2017

**by JP Roberts** BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 14 February 2017

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**Appeal Ref: APP/D1780/W/16/3158309**  
**10 Cecil Road, Southampton SO19 2HX**

- 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 Mark Vincent against the decision of Southampton City Council.
  - The application Ref 16/00524/FUL, dated 7 December 2015, was refused by notice dated 7 July 2016.
  - The development proposed is demolition of existing bungalow and proposed replacement to 2 semi-detached houses.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. One of the reasons for refusal related to the effect of the proposal on the Special Protection Areas (SPAs) of the Solent coastline. The Council sought a contribution to mitigate the effect of the proposal on the SPAs, and has confirmed that the necessary contribution has been secured. Accordingly the main issues are:
  - i) the effect of the proposal on the living conditions of neighbouring occupiers at 8 and 12 Cecil Road, with particular regard to light, outlook and visual impact, and
  - ii) the effect of the proposed level of parking on highway safety.

### Reasons

#### *Living conditions*

3. The proposal would provide a pair of semi-detached two-storey dwellings fairly close to the boundaries with the houses at 8 and 12 Cecil Road. The proposed building would be in a similar position as the existing bungalow in relation to the boundary with 12 Cecil Road, with the main rear wall in line with that of the two-storey dwellings on either side. The proposed houses would have an indented rear projection which would extend a few metres beyond the main rear building line, only marginally beyond the single storey rear additions to the houses on either side.
  4. There are three small windows in the side elevation of No 12 facing the appeal site, which do not appear to serve habitable rooms. In any event, these windows are so close to the side elevation of the existing bungalow and its roof
-

that the two-storey replacement would have no material impact on light or outlook. There would remain a good outlook from rear facing windows and the existence of a ground floor rear addition to No 12 would ensure that light to the garden would not be seriously affected.

5. The position is somewhat different in respect of the relationship with 8 Cecil Road. The existing bungalow is further from the boundary whereas the proposed building would be about a 1m or so from it. The main two storey part of the building would project almost 6m beyond the rear facing windows in the part of the house at No 8 nearest to the appeal site. This part of the building has a rear facing window at first floor, which, from what the occupier says in her letter of objection, serves a bedroom, whilst the ground floor window below serves a dining room. This two-storey flank wall so close to these windows and the more rearward projection of No 8 would create a tunnel-like outlook, which would be dark, forbidding and unneighbourly.
6. A large ground floor window also faces the appeal site, which I understand serves a kitchen. Whilst the current outlook is affected by the side wall and roof of the existing bungalow, the proposal would be nearer and higher and would materially reduce the amount of light reaching the window whilst creating a more austere, uninteresting and claustrophobic outlook. I consider that these combined impacts would significantly worsen the occupiers' living conditions and would conflict with the advice in the Council's Residential Design Guide Supplementary Planning Document (SPD) which says that spaces between buildings should ensure a reasonable outlook for occupants of lounges, dining rooms, kitchens and bedrooms.
7. I therefore conclude on the first main issue that the proposal would materially harm the living conditions of the occupiers of 8 Cecil Road, with particular regard to light, outlook and visual impact, although the impact on the occupiers of 12 Cecil Road would not be harmful. The proposal would conflict with Policies SDP1 and SDP9 of the City of Southampton Local Plan Review (LPR)(amended 2015), which respectively deal with quality of development, and scale, massing and appearance. It would also conflict with Policy CS13 of the Southampton Core Strategy Development Plan Document (CS) (amended 2015), which deals with the fundamentals of design insofar as it concerns amenity. It would also conflict with the SPD to which I have referred above although I find no conflict with LPR Policy SDP7 which does not concern living conditions.

#### *Parking*

8. It is proposed to provide 3 on-site parking spaces. The Highway Authority objects to the third "sandwiched" space on the basis that there would be insufficient visibility to allow a car parked in the middle space to reverse safely without risk to pedestrians and cyclists, and seeks a condition to require a revised layout to show only 2 spaces. I agree with this concern, and I shall deal with the proposal on the basis that only 2 on-site spaces are proposed.
9. The Council's Parking Standards Supplementary Planning Document (SPD) adopted in September 2011 sets out maximum parking standards, which in this case would require 2 spaces per dwelling. It says that provision of less than the maximum parking standard is permissible and that developers must demonstrate that the amount of parking provided will be sufficient, whether they provide the maximum permissible amount, or a lower quantity. It also

says that on-street parking will count towards parking provision where a number of criteria are met.

10. The criterion in contention is (E), which says that the developer has demonstrated through parking surveys, accumulation estimation, etc, that use of on-street parking will not lead to demand exceeding supply of on-street parking. The appellant has carried out a parking survey late on a Friday evening which showed 9 available parking spaces. The Council contends that this is insufficiently robust, and fails to follow the Lambeth model. However, the SPD does not provide that any particular model should be used for carrying out parking surveys. The appellant carried out a survey at 11pm, at a time when most people would be at home. The Lambeth model includes a requirement for multiple surveys to be carried out, including in the early hours of the morning at which time most people would be at home.
11. Cecil Road is a relatively short road, and many of the dwellings have off-street parking, with several having space for 2 or more cars, and do not rely on parking on the road. The appellant's survey showed 9 spaces late at night; even if some people were to arrive home after this time, I consider that it would be unlikely that there would be many who would park on-street, and it is even more improbable that all 9 free spaces would be taken. The photograph supplied by the appellant shows plentiful daytime on-street parking and this chimes with what I found on my site visit. I recognise that the submitted evidence provides only "snapshots" of the parking position at particular times, but there is no substantive evidence to refute the claim that there is adequate capacity to absorb any overspill parking demand that might arise from the proposal.
12. I therefore consider that the proposal meets the criteria contained in the SPG and that the proposal would not give rise to significant highway safety concerns, or conflict with LPR Policy SDP1 or CS Policy CS19, the latter policy dealing with car and cycle parking, or with the SPD to which I have referred.

#### **Other matters**

13. I have had regard to local concerns that the proposal would appear out of keeping with the established street pattern. However, the existing bungalow is an anomaly in the street and because of the larger plot width and the sympathetic design I find that proposed dwellings would relate satisfactorily to neighbouring houses in terms of height, scale and design.
14. I have also taken into account overlooking of the property at 22 Jameson Road, but the distance between the windows in the proposed house and those in the rear elevation of 22 Jameson Road would be well over the 21m sought in the Council's Residential Design SPD and would be sufficient to ensure that there would be no materially harmful loss of privacy.
15. The proposal would have a benefit in adding to the housing stock, and making a more efficient use of land within a built-up area. I note the suggestion that it would not be viable to alter the proposal to bring the building further away from the boundary of No 8, but it is a core planning objective in the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupants of land and buildings, and this outweighs other considerations in this case.

16. I have had regard to all the other matters raised, but none is sufficient to add to the reason for dismissing the appeal.

**Conclusion**

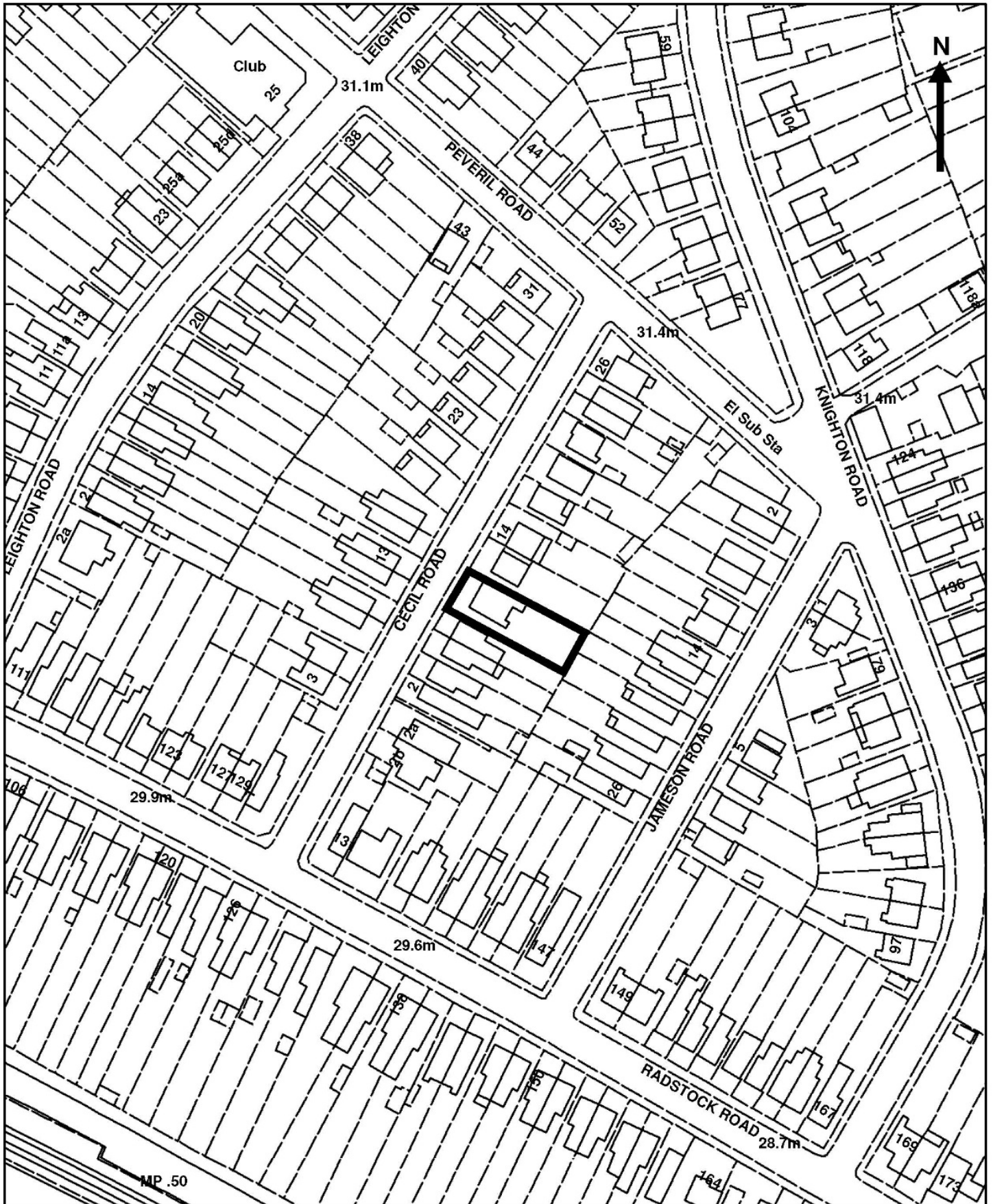
17. I find that the proposal would conflict with the development plan as a whole and, for the reasons given above, I conclude that the appeal should be dismissed.

*JP Roberts*

INSPECTOR



# 17/00730/FUL



**Scale:** 1:1,250

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