

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 30/01/18**  
**Planning Application Report of the Planning and Development Service Lead**

<b>Application address:</b> 81 Church Road			
<b>Proposed development:</b> Erection of 2x 2-storey, 3-bed semi-detached houses with accommodation in roof space and front dormer windows, with associated cycle/refuse storage, following demolition of existing building.			
<b>Application number</b>	17/01486/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	JF	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	26.12.2017	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	More than 5 letters contrary to officer recommendation	<b>Ward Councillors</b>	Cllr Blatchford Cllr Hammond Cllr Payne

<b>Applicant:</b> Lankester and Crook	<b>Agent:</b> Sherlock Boswell Architecture
<b>Recommendation Summary</b>	<b>Refuse</b>
<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>

01. Reason for Refusal - Overdevelopment

The proposed residential development by reason of its siting, size, design, height, scale and density results in an overdevelopment of the plot that is not in keeping with the character and rhythm of the adjacent and surrounding properties and would appear prominent within the street scene causing material harm to the character and appearance of the area. As such the proposal is contrary to SDP1(i), SDP7(iii)(iv)(v) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (as amended 2015) and policies CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by section 3.7.7-8 of the Residential Design Guide SPG (September 2006).

02. Reason for Refusal – Impact on neighbouring occupiers (overbearing)

The proposed development by reason of its scale and design represents an unneighbourly form of development through the increase in massing in immediate proximity to the common boundary and worsens the existing relationship through the creation of an overbearing form of development (with particular reference to 14 Obelisk Road). The proposal thereby proves contrary to saved policies SPD1(i), SDP7(iii)(iv) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015), with particular reference to sections 2.2.7 and 2.2.21 of the Councils Residential Design Guide (2006).

### 03. Reason for Refusal – Poor quality residential environment

The proposed development results in the creation of a poor quality residential environment for the occupiers of neighbouring properties and occupiers of the proposed dwellings. The introduction of windows which directly overlook the existing private garden to the rear and overlooking of the proposed rear gardens of the properties on the application site are considered to have a harmful impact on the privacy and amenities of the relevant properties. The proposal thereby proves contrary to saved policies SPD1(i), SDP7(iii) and SDP9(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015), with particular reference to sections 2.2.1, 2.3.12-13 and 4.4.1-4 of the Councils Residential Design Guide (2006).

### 04. Reason for Refusal - 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.

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

## **Recommendation in Full**

### **Refuse**

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

- 1.1 The site lies in proximity to (and surrounded by) the Old Woolston Conservation Area without itself falling within it. The site is currently occupied by a large industrial style building. There does not appear to be any definitive planning history associated with the existing building however there is some evidence to suggest that the site has historically been used for vehicle repairs and more recently for storage.
- 1.2 The existing building on the site is not characteristic for the area in terms of scale, design, materials or use, with the surrounding area being typified by semi-detached or detached brick residential dwellings.

#### **2.0 Proposal**

- 2.1 The application proposes the demolition of the existing building and its replacement with a semi-detached pair of 3-bed residential dwellings.

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

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

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

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

4.1 There does not appear to be any definitive planning history associated with the existing unit on the site with regard to its existing lawful use. There is some evidence in the planning history of neighbouring sites to suggest that the unit has historically been used for car repair/spraying.

4.2 The unit was investigated by the Councils enforcement team in 2009 who were advised at the time that the site was being used for occasional vehicle repair but primarily for storage.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (10.11.2017). At the time of writing the report **9** representations have been received from surrounding residents (of which 5 were in support of the proposal). The following is a summary of the points raised:

##### **5.2 Support**

- Existing building detracts from character and appearance of the surrounding area and the proposed demolition would represent an improvement
- Provides family dwellings for which there is an identified need
- Existing property is rarely used and attracts litter/vermin

##### **5.3 Objections**

- Proposal has no on-site parking and would exacerbate existing parking issues in the surrounding area
- Proposal would overlook existing dwelling

#### **5.4 Consultation Responses**

5.5 **Cllr Payne** – Overall site represents an improvement to the surrounding street scene and would be more in keeping with the residential character of the surrounding area.

5.6 **Ecology** – Initial investigations show no ecology concerns with demolition and the applicant has proposed some ecological mitigation. No objection subject to suitable condition to secure these details.

5.7 **Sustainability** – No objection subject to suitable conditions for sustainable new build dwellings in line with CS20 (as updated by relevant government guidance).

5.8 **Trees** – No objection subject to suitable conditions to protect canopies of trees on neighbouring sites.

5.9 **Southern Water** – No objection. A formal application would be needed for a connection to the public sewer system.

5.10 **CIL** - The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the new development. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

5.11 **Highways** – No objection.

## **6.0 Planning Consideration Key Issues**

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

### 6.2 Principle of Development

The site does not have an allocated use in the Local Plan. The existing structure is larger than neighbouring properties, taking up the entire footprint of the plot, and the commercial use itself is contrary to the wider residential character of the surrounding area. It is considered that the redevelopment of the plot to bring it more in line with neighbouring residential dwellings would be beneficial however this does not outweigh the need to consider the impacts of the proposed development on neighbouring properties and how it will integrate into the surrounding area.

### 6.4 Density

With reference to Policy CS5, the site is situated in an area of classified as being broadly appropriate for medium density development (Band 3) which would typically be expected to fall in the range of 50-100 dwellings per hectare. The proposed development would have a density of 91 dwellings per hectare.

6.5 Density should only ever be used as an indicative measure as specific circumstances of a site can justify higher or lower densities. In this case the proposal lies on the upper end of the suggested density for the area so it is important to carefully consider the density of development and how it impacts existing and proposed occupiers.

### 6.6 Character

The application proposes the replacement of the existing structure on the property with a semi-detached dwelling. Broadly no objection is raised to the general design of the proposal which is considered to be more in keeping with the surrounding area than the existing building on the site. However some concerns are raised about specific elements of the scheme, with particular reference to the overall scale of development and specific design elements.

6.7 The property is positioned right on the street frontage on the end of the row and is significantly larger than the neighbouring residential dwelling. The eaves height is set 0.5m higher and the ridge height 1.5m higher, while the building itself projects a further 3.8m to the rear when compared to the property at 79. The proposed building is also positioned with less than the 12.5m rear to side set back outlined in section 2.2.7 of the Councils RDG to the property at 14 Obelisk Road.

6.8 This raising of the roof form together with the gable sides facilitates the use of the roof space for residential accommodation and necessitates the dormer windows in the roof which further emphasises this massing in the street scene. The building would clearly have a different roof pitch and increased height and

massing when compared to other similar properties in its immediate surroundings. The proposed development fully occupies the plot and is positioned close to the street frontage meaning the building would appear dominant and overbearing within the street scene.

6.9 In view of the above it is considered that the proposed new dwellings will not successfully integrate into the surrounding street scene and would cause material harm to its existing character.

6.10 Amenity (occupants)

The proposed properties have a reasonable, if compact, internal living space with outlook for key habitable rooms, the additional roof height facilitating the provision of a third bedroom in the roof.

6.11 The properties have private gardens to the rear. In accordance with 2.3.12-13 of the Councils RDG a semi-detached property should have a minimum of 70m<sup>2</sup> garden space with a 10m depth. The development provides 41m<sup>2</sup> per unit with a 6.5m depth. As noted above, it is considered that the overall intensity of the proposed development is high in terms of number and size of proposed units which further emphasises the pressure on the quality of the proposed living environment.

6.12 This amenity space is in close proximity to other dwellings to the side and rear which overlook the area. While some properties in the area do have small gardens it is considered that the provision here is particularly small given the size and scale of the proposed dwellings. The proposal therefore fails to provide satisfactory private amenity space for the proposed occupiers.

6.13 Amenity (overlooking)

The internal layout of the property has been designed such that the furthest back windows at two-storey level serve a bathroom (and as such can be obscured) however there are still two bedroom windows which look out to the rear. These windows are set 8.25m off the boundary with the rear garden of the properties on Obelisk Road and are considered to represent a significant increase in harmful overlooking of this property.

6.14 The proposal would result in the majority of garden space of these properties being overlooked from the proposed application site and the proposal is unacceptable in this regard.

6.15 Amenity (overbearing)

There will be a number of impacts on neighbouring occupiers as a result of the proposed development. The initial impact will relate to the physical alterations on the site following the demolition of the existing building and replacement with the proposed structure. Both existing and proposed structures fail to comply with the 12.5m set back suggested for side to rear development in section 2.2.7 of the Councils Residential Design Guide, being set off ~10.5m.

6.16 Both structures use a gable roof design but the existing structure has the gable fronting onto the street while the proposed structure has the gable fronting onto the sides. This means that while the overall depth of development is being reduced the actual physical massing directly on the boundary with the neighbouring properties will be increased. This impact is somewhat mitigated to the south side of the site due to the relationship between the two buildings but to the northern side the change to a gable would significantly increase the massing of development when viewed from the neighbouring property. An existing outbuilding in this located somewhat mitigates the immediate impact but the

proposal still involves the erection of an 8.9m high structure in immediate proximity to the common boundary for a property with a relatively shallow garden. Whilst it is acknowledged there is an existing building on site, it is considered that the specific alterations in this regard would result in a worsening of the existing situation in terms of an overbearing impact on the neighbouring occupier.

#### 6.17 Parking

Given the proximity to the Woolston District Centre, in accordance with the Councils Parking Standards SPD the site lies within an area defined as high accessibility. As such the maximum parking provision for 2x 3-bed dwellings would be 4 spaces. The proposal includes no on-site parking, which is the existing arrangement for the commercial use. The area immediately outside the site is currently covered by a yellow line. There are areas near the site with parking restrictions in place and other areas with no restrictions on on-road parking.

- 6.18 The application was submitted with a parking survey to justify the nil parking provision proposed. Notwithstanding the various parking restrictions in the vicinity of the site the survey did identify adequate on-road parking to deal with the hypothetical addition of 4 new cars (with a minimum of 46 spaces in the area investigated and 9 on Church Road itself). While this does only represent a snapshot in time, given the evidence provided and the proximity of the site to the Woolston centre (and associated facilities and public transport) it is not considered the proposal will result in significant harm to the surrounding area in terms of additional on-road parking pressure.

#### 6.19 SDMP

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. This application has not complied with the requirements of the SDMP and therefore does not meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7.0 Summary**

7.1 Whilst the overall principle of the redevelopment of the site for residential use could be supported, given the existing situation at the site, it is considered that the overall design and scale of the particular proposal put forward fails to respect the design and scale of other buildings in the street scene and otherwise provides a poor quality living environment for existing and proposed occupiers with reference to garden sizes, overlooking windows and the particular scale and relationship of the development with neighbouring properties.

## **8.0 Conclusion**

8.1 The application is recommended for refusal for the reasons outlined above.

### **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)(f), 4(f)(g)(vv), 6(a)(b)

#### **17/01486/FUL for 30/01/18 PROW Panel**

##### 01. Reason for Refusal - Overdevelopment

The proposed scale and density of residential development is excessive in terms of the character and rhythm of properties in the surrounding area. With particular reference to the sub-division of the site and amenity space in addition to the scale of the proposed dwelling, it is not considered that the proposal integrates into the character of the surrounding area or provides a good quality residential environment for the proposed occupiers. As such the proposal is contrary to SDP1(i), SDP7(iii)(iv)(v) and SDP9(i)(v) of the adopted City of Southampton Local Plan Review (as amended 2015) and policies CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015) as supported by section 3.7.7-8 of the Residential Design Guide SPG (September 2006).

##### 02. Reason for Refusal – Impact on neighbouring occupiers (overbearing)

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The proposal development results in the creation of a poor quality residential environment for the occupiers of neighbouring properties and occupiers of the proposed dwellings. The introduction of windows which directly overlook the existing private garden to the rear and overlooking of the proposed rear gardens of the properties on the application site are considered to have a harmful impact on the privacy and amenities of the relevant properties.

The proposal thereby proves contrary to saved policies SPD1(i), SDP7(iii) and SDP9(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015), with particular reference to sections 2.2.1, 2.3.12-13 and 4.4.1-4 of the Councils Residential Design Guide (2006).

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**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

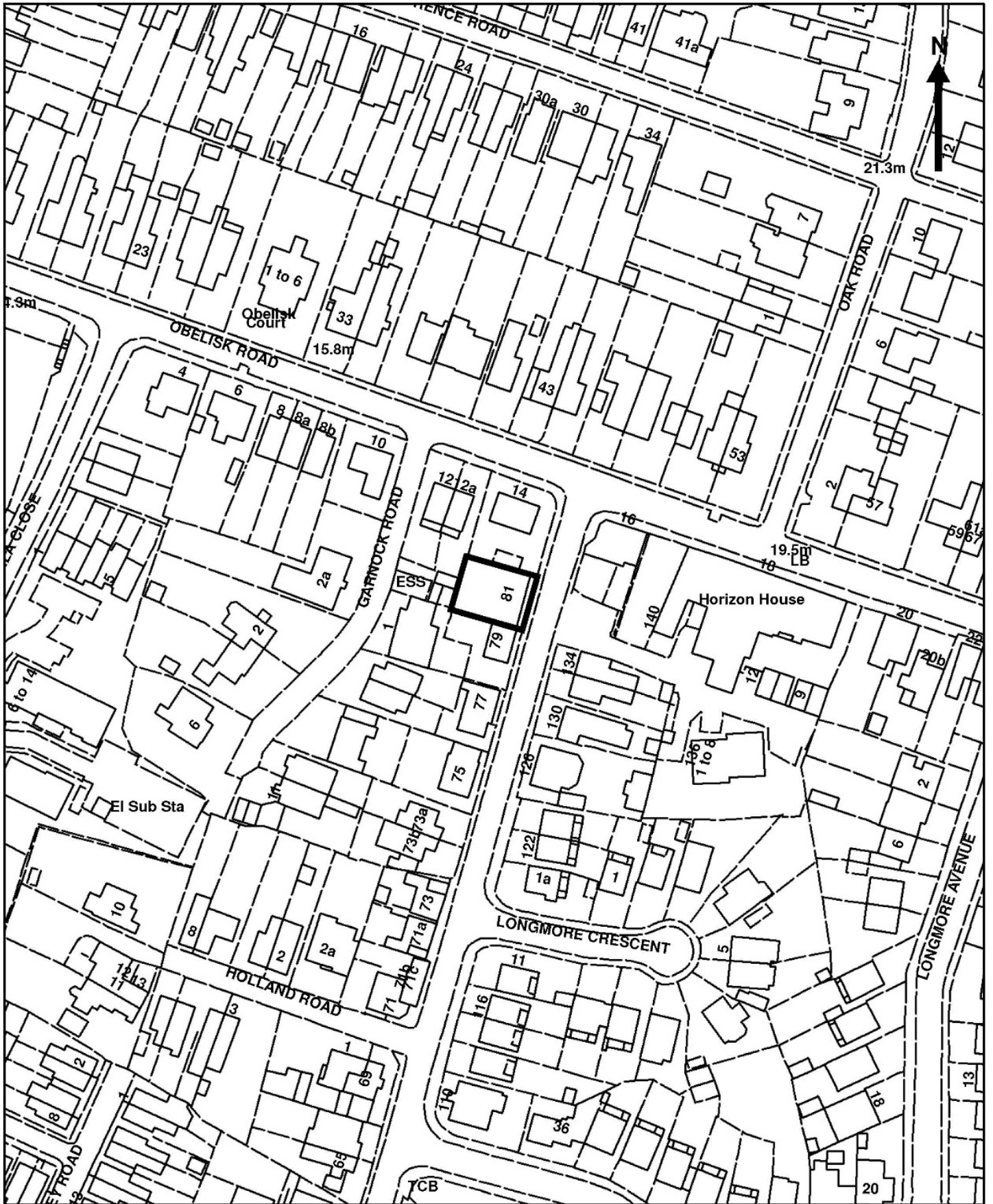
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

# 17/01486/FUL



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