

Planning and Rights of Way Panel

Tuesday, 20th February,
2018

at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 and 4 - Civic Centre

This meeting is open to the public

Members

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

Contacts

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

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FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2017/18

2017	
20 June	3 October
11 July	24 October
1 August	14 November
22 August	5 December
12 September	

2018	
9 January	13 March
30 January	3 April
20 February	24 April

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

OTHER INTERESTS

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

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

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 30 January 2018 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 17/02485/FUL - 17 RAYMOND ROAD (Pages 9 - 18)

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

6 PLANNING APPLICATION - 17/02561/FUL - 9 BASSETT GREEN DRIVE (Pages 19 - 48)

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

7 PLANNING APPLICATION - 17/02389/FUL - 25 HOWARD ROAD (Pages 49 - 58)

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

8 PLANNING APPLICATION - 17/01669/FUL - 4 PRIMROSE ROAD

(Pages 59 - 68)

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

**9 PLANNING APPLICATION - 17/01600/FUL - LAND ADJACENT TO 153
ATHELSTAN ROAD**

(Pages 69 - 88)

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

Monday, 12 February 2018

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 30 JANUARY 2018

Present: Councillors Denness (Chair), Savage (except Minute Number 51) (Vice-Chair), Barnes-Andrews, Claisse, Hecks, Murphy and Wilkinson

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

RESOLVED: that the minutes for the Panel meeting on 9th January 2018 be approved and signed as a correct record.

49. **5PLANNING APPLICATION - 17/01486/FUL - CHURCH ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that application for the proposed development, at the above address, be refused.

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.

Juilan Boswell (agent and architect) was present and with the consent of the Chair, addressed the meeting.

The presenting officer presented an amended reason for refusal, as set out below. The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to refuse planning permission. Upon being put to the vote the recommendation was carried.

RESOLVED that the Panel refuse to grant planning permission for the following reasons:

- (i) Reason for Refusal – Overdevelopment
The proposed residential development by reason of its siting, size, design, height and scale results in an overdevelopment of the plot. It is considered that the scale, degree of site coverage and failure to provide adequate private amenity space that is fit for purpose is symptomatic of overdevelopment which is not in keeping with the character and rhythm of the surrounding street scene and would cause 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 2.3.14, 3.7.7-8, 3.9.2 and 4.4 of the Residential Design Guide SPG (September 2006).

- (ii) 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).
- (iii) 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).
- (iv) 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.

50. **PLANNING APPLICATION - 17/01541/FUL - 171 OSBORNE ROAD NORTH**

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

Erection of a two storey rear extension to facilitate conversion into 2 flats (1 x 1 bed and 1 x 2 bed) with associated bin and cycle storage (Resubmission of 17/00784/FUL).

The Panel considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RESOLVED that the Panel:

- (i) delegated to the Service Lead: Infrastructure, Planning and Development to grant planning permission subject to the planning conditions recommended at the end of this report and to secure financial contribution towards Solent Disturbance Mitigation Project (SDMP) to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (ii) granted authority to the Service Lead: Infrastructure, Planning and Development to add, vary and /or delete relevant conditions as necessary.
- (iii) delegated authority to the Service Lead: Infrastructure, Planning and Development to refuse to grant planning permission for failure to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010 in the event the Solent Disturbance Mitigation Project (SDMP) financial contribution is not resolved.

51. **PLANNING APPLICATION - 17/01840/FUL - 14 SPRING CRESCENT**

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

Erection of a first floor extension to the east elevation and associated changes to the front elevation (amended after validation to remove alterations to the west elevation and to include changes to front elevation).

Verena Coleman, Johnathan Chipp and David Edwards (local residents/ objecting), and Councillor Savage (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that an additional letter of objection had been presented to officers following the publication of the report. Panel Members discussed the detailing of the flat roofed extension and requested that an additional condition, as set out below, be added

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

RESOLVED that the Panel grant planning permission subject to the conditions set out in the report and the amendment set out below.

ADDITIONAL CONDITION

First floor flat roof and eaves detail [Pre-commencement Condition]

Prior to the commencement of the development hereby approved, detailed drawings of the first floor flat roof and eaves design at a scale of 1:20, together with details of the materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall subsequently be incorporated in the construction of the development hereby approved.

REASON: To secure a development of appropriate proportions and high visual quality in order to respect the character of the locally listed host dwelling and the wider local area.

NOTE: Councillor Savage declared an interest and withdrew from the Panel.

52. **PLANNING APPLICATION - 17/02384/NMA - TEST LANE**

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

Non material amendment sought to planning permission ref: 14/01911/FUL comprising changes to the internal layout of unit 3 and external changes to units 1, 2 and 3 including a revised canopy design and provision of louvres and a level access door to unit 3

Matthew Thomas (agent), and Councillor McEwing (Ward Councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel raised concerns in regard to the potential for additional noise with the internal adjustments to unit 3 and requested that officers adjust the condition to counter any addition disturbance. The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission
FOR: Councillors Denness, Barnes-Andrews,
Claisse, Hecks, Murphy, Savage
AGAINST: Councillor Wilkinson

RESOLVED that the Panel confirmed that the proposed changes sought by this request are considered to provide a Non-Material Amendment to the approved planning permission (as already amended). All planning conditions applicable to the approved planning permission remain in force with amendment requested by Panel, to following condition.

Noise - plant and machinery (Pre-Commencement)

The use of Unit 3 shall not commence until details of measures to minimise noise from plant and machinery associated with the proposed development, as amended by the introduction of louvres to the western elevation as hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and thereafter retained as approved.

REASON: To protect the amenities of the occupiers of existing nearby properties.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 20 February 2018 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	MG	CAP	5	17/02485/FUL 17 Raymond Road
6	MP	DEL	5	17/02561/FUL 9 Bassett Green Drive
7	JF	CAP	5	17/02389/FUL 25 Howard Road
8	JF	CAP	5	17/01669/FUL 4 Primrose Road
9	JF	DEL	5	17/01600/FUL Adj 153 Athelstan Road

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

MG – Matt Griffiths

MP – Mat Pidgeon

JF – John Fanning

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Planning and Rights of Way Panel 20th February 2018
Planning Application Report of the Service Lead, Infrastructure, Planning and Development

Application address: 17 Raymond Road, Southampton			
Proposed development: Change of use from a dwelling house (Class C3) to either a dwelling house (Class C3) or a house in multiple occupation (HMO, Class C4)			
Application number	17/02485/FUL	Application type	FUL
Case officer	Matthew Griffiths	Public speaking time	5 minutes
Last date for determination:	30/01/2018	Ward	Shirley
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Coombs Cllr Kaur Cllr Chaloner
Referred to Panel by:	n/a	Reason:	n/a

Applicant: Dr Richard Dodds	Agent: n/a
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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 the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (as amended 2015) and CS13 and CS16 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full - Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two-storey detached dwelling that has recently been extended with the creation of living accommodation within the roof. The property features a lounge, dining room and kitchen at ground floor level, with three bedrooms on the first floor and two further bedrooms within the roofspace. There are bathrooms on the first and second floors with a further cloakroom on the ground floor. The house also features an attached garage which can only be accessed externally, and the front garden has recently been paved to allow for space for up to three off-road car parking spaces.
- 1.2 The property is located on Raymond Road within a largely residential area characterised by detached or semi-detached housing, with the majority of properties on Raymond Road and the surrounding streets featuring driveways, many for multiple vehicles. To the east of the site at the Raymond Road/Hill Lane junction is Atherley Bowling Club, and nearby accessed from Hill Lane is a pedestrian entrance into Southampton Common and the Cemetery.

2.0 Proposal

- 2.1 Planning permission is sought for the use of the property as either Class C3 family dwelling house (as existing) or as a Class C4 House of Multiple Occupation (HMO) for up to 5 people. As per the HMO Supplementary Planning Document (HMO SPD) a condition can be applied to allow changing between these two uses for a period of 10 years without the need for further planning permission, with the use at the end of the 10 year period resulting in the set lawful use from that point.
- 2.2 There would be no change to the size or the footprint of the dwelling, and the internal layout would not be altered. The proposed change of use would normally be undertaken using permitted development, however planning permission is required for such proposals in Southampton as a result of a city-wide Article 4 Direction enacted by the Council on 23rd March 2012, which revoked the right to do so under permitted development.

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 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.
- 3.3 Core Strategy CS16 and Saved Local Plan policy H4 are relevant to the determination of planning applications for the change of use to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMOs makes to meeting housing need should be balanced against the impact on character and amenity of the area. Saved policy H4 of the Local Plan requires new HMOs to respect the amenities of neighbouring properties and the character of the area and to provide adequate private and useable amenity space.
- 3.4 The Houses in Multiple Occupation SPD (HMO SPD) was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy

CS16 in terms of assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Shirley, which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 of the HMO SPD refers).

4.0 Relevant Planning History

4.1 15/02054/PAH – Erection of a single storey rear extension (Max Depth 5m, Max Height 3.3m, Eaves Height 2.7m). Prior Approval Not Required 27/11/2015

4.2 The recent works to the property mentioned within paragraph 1.1, namely the roof alterations to create a gable end and side dormer window and front driveway paving, did not require planning permission.

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 (05.01.18). At the time of writing the report 9 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 **The property has recently been extended at roof level, resulting in overlooking from the rear windows that would intensify with a HMO use.**

Response: The works undertaken to the roof have been completed under permitted development, and as such the rear window within the converted loft is lawfully in place. There is, however, a 30 metre gap to the shared boundary at the rear of the site and a 50 metre distance between the rear of the site and rear elevations of the properties to the rear on Evelyn Crescent. Section 2.2 of the Residential Design Guide details minimum distance standards between properties, with the distance between three storey and two storey dwellings 28 metres. Although it is noted that bedrooms within HMOs are often used more intensively than those within C3 dwellings, given the distances involved in this case it is considered that significant overlooking of the properties to the rear would not occur. The impacts are, nevertheless, no worse than the existing situation.

5.3 **The change in use to a HMO would result in increased noise and disturbance to the area, with the potential for 7 rooms to be let to couples.**

Response: Although the type of occupants cannot be controlled, and the planning system plans for reasonable behaviour, there are 5 bedrooms proposed with large communal spaces at ground floor and a condition is proposed to limit the number of occupants to 5 people (as applied for). Any additional occupation would require the formal approval of the Council following further assessment of impacts. Occupation of a property of this size with 5 individuals is not considered to be out of line with expected C3 residential dwelling occupation levels. It is accepted that the style of occupation is different to that of a family home and can have differing associated impacts, however it is not felt that the use of a Class C4 HMO is intrinsically harmful in itself. Any statutory noise complaints can be addressed under Environmental Health legislation.

5.5 **There are already a large number of HMO's in the area, to allow more would result in an unbalanced community.**

Response: As detailed further in section 6 of this report, the application has been assessed in line with the method detailed within the HMO SPD and the

10% threshold would not be breached by this change. It is not considered that a single Class C4 HMO within the immediate surrounding area, as defined within the HMO SPD, would result in a significantly harmful impact; particularly when taking into consideration the contribution the proposal would make to address housing need.

5.5 The proposal would create further parking pressures within the area.

Response: The parking standards detailed within the HMO SPD require a maximum of 3 spaces for a 5-bedroom house. In addition the Parking Standards SPD also allows a maximum of three spaces for Class C3 dwellings of 4 or more bedrooms. In this instance, as detailed within the Highways Officer comments, in paragraph 5.6 below, following the works to the front of the property under permitted development the site would offer the maximum off-road parking spaces permissible, in addition to available on-road parking in the area.

Consultation Responses

5.6 SCC Highways - As there are no changes to the number of bedrooms, the impact on the highway will be minimal. With the change of use to a HMO, it could be argued that the nature of living may generate higher demand for car ownership. This however is accommodated by a change in the parking area to accommodate more cars. However, the design will need to be changed to allow for more turning space which should reduce the number of spaces to 3 (also in accordance with the parking standards). The parking spaces need to be 5m in length with a 6m clearance space behind them to allow for onsite turning.

Because HMO occupants are more akin to individual living, each bedroom/unit should benefit from its own secure long stay cycle space. This means for a 5 bed HMO, 3 Sheffield stands should be provided for example so that each cycle is secure in the communal store.

The application is to be recommended for Approval subject to the following conditions:

- 1) Parking and On-Site turning. Details of the parking area to be submitted and agreed upon in writing by the local planning authority. Parking spaces should be fully marked out and laid and should be 2.4m x 5m in dimension. A 6m long clearance space will be needed behind the parking spaces to allow for turning space – of which will need to be kept clear at all times.
- 2) Cycle Parking. Details of cycle parking for 5 long stay spaces (as defined by the parking SPD) to be submitted and agreed upon in writing by the local planning authority.

Note: the creation of a formerly laid out parking forecourt would not be in keeping with the existing character of the property or its neighbours, and it is unclear whether or not there is sufficient space to achieve the required space. Parking is available for up to 3 cars currently and no change is, therefore proposed. The garage will be used for cycle parking.

5.7 SCC Environmental Health - The proposed five bed HMO would require licensing under the additional HMO licensing scheme operated by SCC, therefore the room sizes must comply with the SCC standards for HMOs and the fire precautions must comply with LACORS fire safety guidance.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- a) whether the proposed change of use from a C3 family dwelling to a C4 HMO is acceptable in principle;
 - b) whether the proposed development would have a harmful impact on parking in the local area;
 - c) whether the proposal would have a harmful impact upon the character of the property or local area; and
 - d) whether the proposal would have a harmful impact upon the residential amenities of surrounding neighbours or the occupants of the host dwelling

6.2 Principle of Development

When assessing applications for the conversion of a property into a HMO, policy CS16 (2) is applicable where internal conversion works limit the buildings' ability to be re-used as a C3 dwelling house in the future. The proposed conversion does not involve any alterations to the existing property and would retain the layout and facilities associated with a single-family dwelling. As such, its use could readily change back to a single-family dwelling house in the future. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 of the Core Strategy. The proposed development is also in accordance with saved policies H1 and H2 of the Local Plan which support the conversion of existing dwellings for further housing and require the efficient use of previously developed land. As confirmed by Core Strategy Policy CS16, the proposed HMO use meets a recognised housing need for single person households or for those with lower incomes and is therefore, acceptable in principle subject to the threshold tests set out in the next section of this report.

6.3 Impact in terms of Character, Amenity and Parking

6.3.1 There are no structural changes proposed to the building, and no changes to the visual appearance of the property, so the impact on character and amenity comes from the change in the intensity of use of the property. The proposal is for a HMO of up to 5 people, with no increase in the number of bedrooms in the property.

6.3.2 The HMO SPD details that the maximum number of HMO's within a 40 metre radius of the application property should not exceed 10%. As such, if the percentage of HMO's within a 40m radius exceeds this percentage applications for future additional HMOs will be refused as being contrary to this policy.

6.3.3 Within the 40 metre radius of the application property 16 properties were identified. Based upon information held by the City Council's Planning, Council Tax and Licencing departments, it has been identified that there are currently no HMOs within the defined area. With the application site included, there would be 1 HMO out of the 16, resulting in a percentage of 6.66%, below the 10% threshold.

6.3.4 The proposed would therefore ensure a mixed and balanced character is

retained within the site locality. The threshold approach would protect the area from a potentially harmful change to the area in the future by controlling the growth of HMOs. The presence of a single HMO within the immediate area would not represent significant harm to the character of the area

6.3.5 In terms of parking, as mentioned within paragraph 5.5 the maximum allowable provision on site for a HMO of this size would be 3 parking spaces and this would be provided to the front of the dwelling, subject to condition. Beyond this, there are no on-road restrictions for parking to the majority of Raymond Road and the surrounding streets including directly forward of the site, however on Raymond Road itself there are two bus stops and double yellow lines fronting the Bowling Club close to the Hill Lane junction. As such, and given the maximum levels of off-road parking permissible would be provided, it is considered that the proposal will have an acceptable impact in terms of highway issues.

6.4 Quality of the Residential Environment

6.4.1 The proposal would retain ample communal living space on the ground floor and all habitable rooms would have good quality outlook from windows. Occupants of the property have access to a private garden that complies with the size requirements within the Residential Design Guide. As detailed there would be no impact in terms of the layout or footprint of the dwelling and, therefore, the amenity of the occupants of the host dwelling shall not be harmed. In addition a condition is recommended to secure suitable cycle storage facilities given the nature of the new occupation in line with the HMO SPD.

7.0 **Summary**

7.1 The proposal for the change of use of the property from a C3 family dwelling to a C4 HMO is considered to be acceptable in principle, as the threshold criteria would not be breached and unacceptable harm shall not be caused to neighbouring amenity or highway safety. In addition, the change of use is not considered to cause harm to the character of the property or local area, and the amenity of the occupants of the host dwelling shall not be harmed.

8.0 **Conclusion**

Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore 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), 4(qq), 4(vv)

MG for 20/02/18 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition - Change of use

The use 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. C3/C4 dual use (Performance Condition)

The dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice (under Class V, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015). The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

03. Number of occupiers (Performance Condition)

The number of occupiers within the property, when in Class C4 use, shall not exceed 5 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

The application is for up to 5 persons and this is what has been assessed. In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

04. Cycle & refuse storage facilities (Pre-Commencement Condition)

The garage shall be retained for the storage of cycles and refuse bins and shall be thereafter retained as approved. Refuse bins shall not be left on the site's frontage or the public highway except on collection day.

Reason: To encourage cycling as an alternative form of transport and in the interests of visual amenity

05. Approved Plans (Performance Condition)

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.

Note to Applicant

A HMO License will be required to operate the property as a Class C4 HMO. The applicant is advised to contact the HMO licensing team for more information or to see the following link;

<http://www.southampton.gov.uk/housing-council-tax/landlords-home-owners/landlords/houses-in-multiple-occupation/licensing-houses-in-multiple-occupation/default.aspx>

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

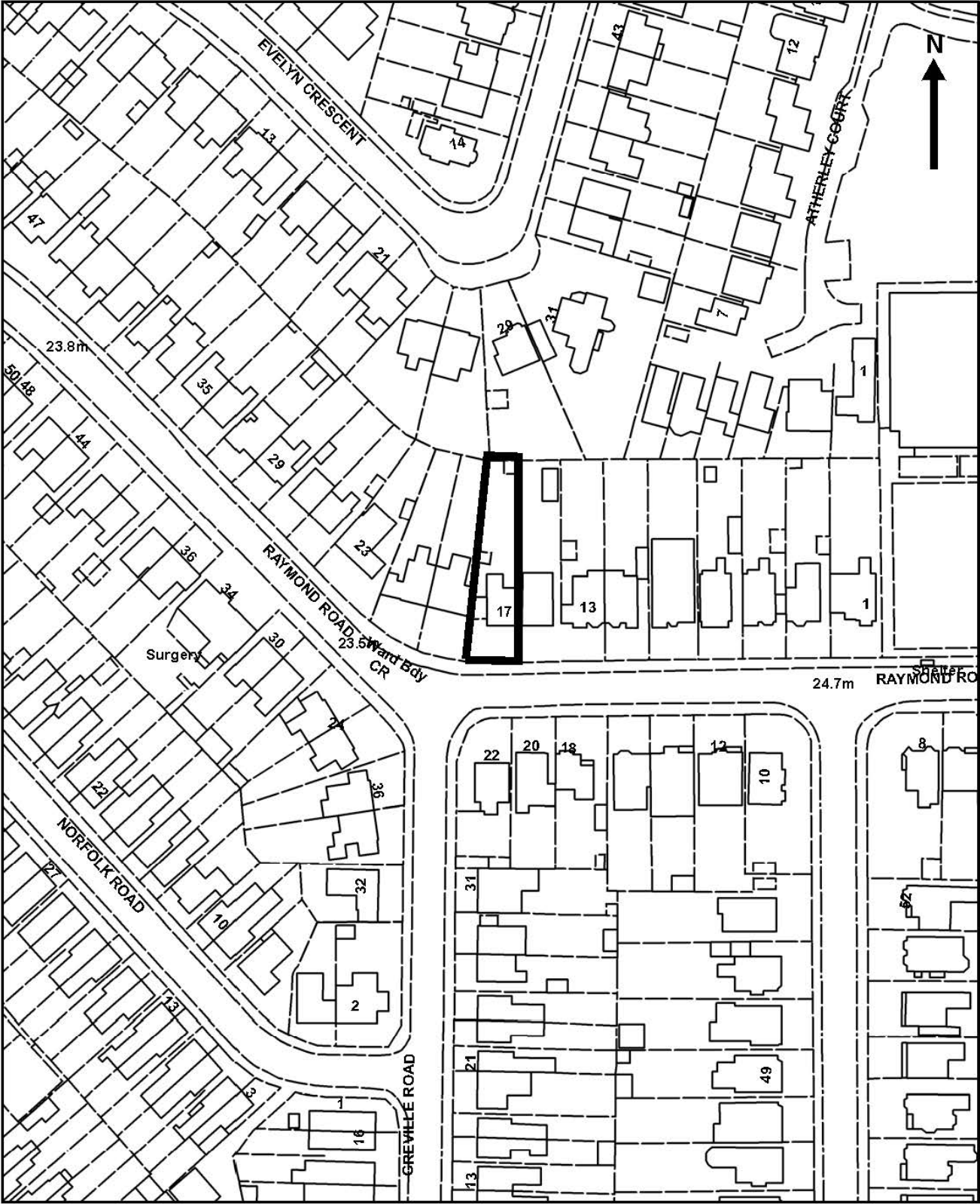
Parking Standards(September 2011)

Houses in Multiple Occupation (amended 2016)

Other Relevant Guidance

The National Planning Policy Framework (2012)

17/02485/FUL



Scale: 1:1,250

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Agenda Item 6

Planning and Rights of Way Panel 20th February 2018 Planning Application Report of the Service Lead Infrastructure, Planning and Development

Application address: 9 Bassett Green Drive, Southampton.			
Proposed development: Replacement dwelling with associated parking (Follows permission 16/01903/FUL).			
Application number	17/02561/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	27.02.2018	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Harris Cllr Harris Cllr Hannides
Referred to Panel by:	Cllr Beryl Harris	Reason:	Scale, Design, Character. Fails to take account of recent appeal decision.

Applicant: Mr Bob Toor	Agent: Ashplan
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Recommendation Summary	Delegate conditional approval
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Community Infrastructure Levy Liable	Yes
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Appendix attached	
1	Development Plan Policies
2	Planning History
3	16/01352/FUL Plans
4	16/01903/FUL Plans
5	16/01903/FUL Appeal Decision
6	Comparison Plan

Appendix attached	
1. Development Plan policies	2. Planning History
3. 16/01352/FUL Plans	4. 16/01903/FUL Plans
5. 16/01903/FUL Appeal Decision	6. Comparison plan

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the character of the area, the previous reason for refusal and the loss of the bungalow on site and replacement with a two storey house 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).

Paragraphs 17, 58, 60 and 64 of the NPPF, policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) policy CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and policies BAS1, BAS4 and BAS10 of the Bassett Neighbourhood Plan (June 2015).

Recommendation in full:

Delegate to Service Lead Infrastructure, Planning and Development to issue conditional approval subject to receipt of amended plans or written confirmation showing a mix of materials, predominantly red brick, rather than render as submitted and to overcome the earlier reason for refusal regarding material. A delegated refusal would follow in the event that this information is not provided within a reasonable timescale.

Background.

Planning permission was granted via appeal in April 2017 for a first floor and two storey rear extension with associated alterations to form an enlarged dwelling. The application had been recommended for approval but was refused at Panel on 10/01/2017. The current application is deemed necessary as, following discussions with contractors, the applicant considered it would be more efficient to replace the existing building rather than extend the existing one. In addition changes to the design of the roof, whereby gable ends are replaced by hipped ends along with minor changes to the external elevations, internal ground floor layout and footprint are also proposed. As such the Panel are to consider the merits of this new dwelling but should afford significant weight to the appeal decision of the recent two storey building that was found to be acceptable.

1 The site and its context

- 1.1 When considering the previous appeal the Inspector described the site and the surroundings as follows: *The appeal property is a large detached single storey, split level, extended dwelling of non-remarkable appearance. It lies within a residential area with houses, bungalows and split level properties of generally traditional design for the most part occupying spacious plots with mature landscaped gardens. Overall the locality has a pleasing and established suburban air and a spacious character.*

2 Proposal

- 2.1 The proposal is for a replacement dwelling. The new dwelling would have an almost identical footprint to the dwelling allowed at appeal in April 2017. The main difference is the roof which when viewed from the street would appear as having hipped ends rather than gables. To the rear the two projecting bays which previously had hipped ends now would have gables. Overall the roof has been simplified in design terms. Internally the layout of the building will also change slightly from the approved scheme. Externally materials are also proposed to change; white render is now the main elevational treatment. To the front the two single garage doors will be replaced by a double garage door and the appearance of the garage, in particular how it links to the main building, has also changed. The proposal does not seek to change the height, width or depth of the building. Please refer to the comparison drawing at Appendix 6.
- 2.2 The setback of the building from the back edge of the pavement remains approximately 10m, the width would measure 12.5m at two storey level, the height of the ridge would be 6.8m and the eaves would be 4.7m high. All existing trees will be retained and the water course at the rear of the property will be unaffected. Therefore the scheme differs from the previously refused scheme by being 2.9m narrower at first floor level and by having a ridge that is 0.8m shorter and eaves which are 0.4m lower. The design is less contemporary than the previously refused scheme (16/01352/FUL) and does not differ significantly from the approved scheme (16/01903/FUL).
- 2.3 Interlocking roof tiles are proposed for the roof, walls are to be white rendered and as such the main external materials are no longer red brick and cedar cladding. Powder coated grey aluminium windows are proposed along with cedar cladding around the feature window positioned in the middle of the building and for the front door and double garage door.
- 2.4 The new first floor will provide 4 bedrooms a guest bedroom/study area and 2 bathrooms. There will also be en-suite bathrooms and 1 separate bathroom added. The master bedroom, facing the rear of the property will be served by a small balcony and associated privacy screen. The other rear facing bedroom will be served by a Juliette balcony. The boundary planting between dwellings has also been taken into consideration when designing the upper floor window positions.

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 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.
- 3.3 The Bassett Neighbourhood Plan was adopted in 2016 and can be afforded significant weight in the determination of this application.

4 Relevant Planning History

4.1 The planning history relating to the site involves the approval for the construction of the house and garage in 1961 and refusal for a single storey extension in 1972. The extension was proposed to be added to the front of the building and was found to be harmful to the character of the area as the front building line of properties 9, 11, 13 and 15 would have been breached. A second reason for refusal is also listed whereby there was concern that the extension may lead to an additional window in the flank wall of the dwelling overlooking number 11 Bassett Green Drive. Whilst it is clear that the building has been extended since its original construction there is no further planning history is available relating to those elements of the building.

4.2 Early on in 2017 planning permission 16/01352/FUL was refused. Planning permission was sought for a single and two storey rear extension with associated alterations to form an enlarged dwelling on the site. The scheme was however refused under delegation owing to the design of the scheme which, in light of the policies set out in the Local Plan, the Core Strategy and in particular the Bassett Neighbourhood Plan, could not be supported by Officers. More specifically the proposed design could not be supported because:

- The main building material for the walls of dwellings within Bassett Green Drive is brick not white render.
- There are no large balconies on existing properties that face onto Bassett Green Drive.
- Solar shaded design features are not a feature currently exhibited within the street scene.
- Houses fronting Bassett Green Drive typically have small void to massing ratios rather than large expanses of glazing.
- Roofs generally have overhanging eaves and chimneys.
- On the whole properties are not built with walls built up to the boundaries of the site thus maintaining the open character of the area where dwellings are placed within spacious plots.

Refer to **Appendix 2** for the full reason for refusal and **Appendix 3** to see the plans submitted.

The application submitted in November 2016 (16/01903/FUL) was taken to Panel for determination in January 2017 where the officers recommendation was overturned and the application was refused. Subsequently the applicant submitted an appeal against the decision of the Council and that appeal was upheld in April 2017 thus planning permission was granted. The approved plans are included as **Appendix 4**. The inspectors appeal decision is included as **Appendix 5**.

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, including erecting a site notice (05/01/2018). At the time of writing the report **6** representations have been received from surrounding residents (including objections from North East Bassett Residents Association [NEBRA], Bassett Neighbourhood Forum and Cllr Beryl Harris). The following is a summary of the relevant points raised:

5.2 **Why was the new application accepted by the Council if the previous one**

- was refused and the plans submitted are the same?** RESPONSE: The scheme is different and the earlier application was allowed at appeal.
- 5.3 **Contrary to the Bassett Neighbourhood Plan, in particular there should be no conversion of bungalows to houses.** RESPONSE: 2 storey was approved at appeal.
- 5.4 **The scheme differs from the previous scheme, one was an extension to the existing dwelling house and the current proposal seeks to demolish the existing building and reconstruct a new dwelling.** RESPONSE: For the purposes of the planning assessment (acceptability of the proposed development) whether or not the proposal is an extension or a reconstruction is not relevant.
- 5.5 **Precedent of demolition and reconstruction of a larger house.** RESPONSE: Each application must be judged on its own merits.
- 5.6 **There is a high demand for bungalows in Bassett.** RESPONSE: The demand for bungalows, as determined by market forces, is not a material planning consideration and two storey has been approved at appeal.
- 5.7 The identity of Bassett Green Drive and Bassett Green Close is bungalows not 5 bedroom houses. RESPONSE: The number of bedrooms a property has in isolation is not an adequate reason for refusal. The character of an area is determined by a number of separate criteria as discussed in section 6 below. There are two storey properties as well as bungalows in Bassett Green Drive and Bassett Green Close, the design of properties in Bassett Green Drive and Bassett Green Close is also varied.
- 5.8 The new build should be considered on its own merit. The appeal decision should not be considered in the determination of this application: RESPONSE: Each application is judged on its own merit however the previous appeal decision does have significant material weight in the assessment.
- 5.9 The design is out of character with the 1960's style that prevails in the street/poor design. RESPONSE: In order to respect the local character the design does not have to repeat the design of neighbouring buildings. However the design does need to demonstrate overall similar characteristics in terms of scale, mass, layout and materials. The Planning Inspector considered that this was the case previously and with amended plans to revise the materials proposed Officers are confident that the design of the building will be acceptable.
- 5.10 Bulk, scale and mass proposed is out of character, especially give proximity of the building to the road. RESPONSE: The height is the same as the scheme that was approved at appeal. The building would be constructed on the existing building line, this would result in the two storey element of the building being slightly further forward of the building line of the neighbouring property, and this is not however judged to be significantly harmful nor was the building line/distance from Bassett Green Drive previously listed in the previous reason for refusal. The bulk, scale and mass of the scheme was also not considered to be out of character or unacceptable by the Inspector when considering appeal 16/01903/FUL.
- 5.11 Overlooking of number 7 Bassett Green Road from balconies at the rear. RESPONSE: The distance between the proposed Juliette balcony and the neighbours' bedroom window at 7 Bassett Green Drive, in combination with the trees on the boundary and proposed hedge planting are anticipated to remove significant overlooking of neighbouring gardens and bedroom windows. This relationship was considered acceptable by the Inspector when considering appeal 16/01903/FUL.

- 5.12 Overshadowing/loss of light neighbours. RESPONSE: There will not be any significant difference in terms of shade cast as a result of the proposal when compared to the scheme that was supported by the Appeal Inspector, which has the same ridge height and elevation form.
- 5.13 The street scene is misleading as it shows number 7 next to number 9 whereas it is in fact set further back from the street. RESPONSE: The street scene drawing provided is 2D and therefore it does not show the set back. The case officer is aware of the set back of the neighbour. The inspector, when determining the previous application, was also aware of the setback position of the neighbour number 7.
- 5.14 A double garage and the driveway access would cause a potential highway hazard. RESPONSE: The previous application was not refused for this reason. Bassett Green Road is not a classified road meaning that it is not necessary to provide on-site turning.
- 5.15 The grass verge should not be removed. RESPONSE: Revised plans have been received and the scheme no longer proposes to remove part of the grass verge.
- 5.16 The sewer to the rear is not sufficiently large enough. Concern is also raised regarding the protection of the sewer during construction and potential damage. RESPONSE: The planning system assumes reasonable behaviour and any damage caused is a matter for Southern Water and the applicant to resolve.
- 5.17 Details of demolition have not been provided. RESPONSE: Building regulations control demolition to ensure that works are carried out safely. Planning conditions can be used to ensure that impact caused from demolition, including dust and noise, is mitigated to a satisfactory level. Whilst some impact is likely to be caused by the demolition and construction mitigation measures prevent significant harm, furthermore impact will be temporary.
- 5.18 Biodiversity checklist error, construction will damage tree roots. RESPONSE: The tree team have reviewed the proposal and subject to conditions are able to support the scheme.
- 5.19 Ecology and trees impact. RESPONSE: The tree team and ecology team have not objected. Relevant conditions and informatives can be added to overcome concerns raised. Stag beetles live in dead wood and thus will not be harmed as a result of the demolition of the building itself. An informative can be added to advise the applicant of the potential for stag beetles on the site and how to deal with dead wood that could potentially be a habitable for them if they are discovered.
- 5.20 Exceeds permitted development. RESPONSE: This is the reason that the building cannot be constructed under permitted development rights and instead planning permission needs to be achieved.
- 5.21 Party Wall dispute. RESPONSE: Land ownership and party wall disputes are civil matters and do not carry material weight in planning assessments.
- 5.22 Stability of other properties and impact on underground water courses caused by the excavation of foundations. RESPONSE: The way in which foundations are constructed and potential impact on neighbouring buildings as a consequence of the build programme is a matter for the Building Control team to consider and manage.
- 5.23 The obscurely glazed side facing window should be fixed shut. RESPONSE: The window will be controlled by condition. It is common practice to ensure that the

fixed shut element of the window is below 1.7m from the floor height of the room to which it serves. Above 1.7m the window can be openable, this is because it is very unlikely that a person in the room will be able to see out of the window when it is open at that height.

SCC Planning Policy Team Response (provided in response to application 16/01903/FUL):

- 5.24 The first paragraph of the Annex to the Bassett Neighbourhood Plan clearly states that the annex is part of the evidence base, that was contributed to by the Resident Associations in Bassett, and informs the Bassett Neighbourhood Plan although it does not form part of the plan's policies. This was added to the Annex following the (see paragraphs 96 and 97) which included the following recommendation:
- 5.25 *I recommend that a sentence be added to the first paragraph of the Annex stating: "This Annex does not form part of the plan's policies".*
- 5.26 Paragraphs 37 – 39 in the Examiner Report included a further recommendation in relation to the status of the Annex material. Paragraph 1.10 in the Final Version of the Plan takes account of this recommendation which states the following:
- 5.27 *'The views expressed, feedback forms and other replies received were all taken into account when formulating the plan. The annex to the plan describes the characteristics of the different areas within Bassett and the rationale for the densities defined on the density map (see Figure 2 on Page 12). This material does not form part of the plan's policies but is included in this document so as to provide background information.'*
- 5.28 Finally, the Examiner suggested that the last sentence in Policy BAS 5 'Housing Density' would be more suitably placed in the supporting text and amended to state that the annex to the plan provides background information explaining the derivation of density criteria (see paragraph 58 of the Examiner Report). For information, the sentence that was removed from the wording of Policy BAS 5 'Housing Density' for the Final Version of the Plan stated that 'guidelines explaining the densities and their locations are contained in the annex in this plan'.
- 5.29 Taking account each of the above points, it is clear that the Annex does not have weight attached to the plan and subsequently cannot be used as a material consideration in determining planning applications. The above recommendations and suggestions of the Examiner were made in response to representations the Council had made regarding the status of the Annex.

SCC Ecology:

- 5.30 No objection, apply recommended conditions.

SCC: Trees:

- 5.31 No objection, apply recommended conditions.

6 Planning Consideration Key Issues

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

are:

- Principle of the development.
- Character and appearance of the local area, and design.
- Neighbouring amenity.
- Protected trees and ecology.

Principle of the development

- 6.2 There are no policies within the Development Plan (including the Bassett Neighbourhood Plan) which object in principle to the conversion or loss of a bungalow and replacement with a two-storey dwelling house. Policies and guidance of the RDG would only support the loss of a bungalow if bungalows form a strong character feature of the neighbourhood and the conversion to a two storey dwelling would be harmful to local character. In principle therefore the demolition of the existing bungalow and construction of a two storey dwelling is not opposed. The proposal must therefore be judged in terms of its potential impact as a result of the physical characteristics of the proposed two storey dwelling on the overall character of the area. Furthermore the Panel will note that roof extensions are, in some cases, permitted development meaning that bungalows can change in any event.

Character and appearance of the local area, and design:

- 6.3 In considering the impact of the development on the character and appearance of the local area the Panel must take account of the previously refused scheme and the scheme that was allowed at appeal. The panel must determine whether or not the proposal again overcomes the previous reason for refusal and whether or not it is considered that a Planning Inspector would allow or dismiss an appeal if planning permission is refused in light of the appeal decision relating to application 16/01903/FUL (**appendix 5**). The merits of this scheme should be assessed in that context.
- 6.4 The Appeal Inspector considers that for the most part buildings are of traditional design and occupy spacious plots with mature landscaped gardens. The inspector also acknowledged that the proposal would represent a sizable enlargement of the existing dwelling adding significant volume. This was not in itself justification for a refusal however.
- 6.5 In paragraph 5 of the appeal decision (**appendix 5**) the Inspector describes the Council's concerns regarding scale, massing, height and boundary spacing in relation to neighbouring properties and local character and identity. In the second half of the paragraph the Inspector explains why in their opinion the scheme is acceptable in these terms:

"I see no need to slavishly follow every design feature or window style found locally to make a neutral or positive contribution to the wider streetscene, particularly when so much of the visual ambience is a result of landscape which would continue to prevail. The designer here has selected to use suitable materials, characteristic gable ends to the front sides, an overall height which would be reflective of those properties to the south, and massing such that the upper level would be set off side boundaries and all together adequately distant from the bungalow to the north which lies deeper in its plot. Residential amenity of neighbours would be suitably safeguarded in my opinion and to my eyes the appeal scheme would not detract from the sense of place or from local aesthetic qualities."

- 6.6 The current scheme is identical to application 16/01903/FUL in terms of scale, massing, height and boundary spacing in relation to neighbouring properties. In addition the impact on neighbours would also be identical as windows are as approved. Accordingly it is judged that an Inspector would come to the same conclusion to that which was made previously if the current scheme was refused and subsequently appealed for these reasons.
- 6.7 Where the scheme differs from application 16/01903/FUL is the design and materials used. The main differences have been is described in section 2 above.
- 6.8 The design changes are not judged to be a significant departure from the design supported at appeal. The roof has been simplified with hipped ends and thus mass and bulk have been removed. This reduces the visual scale of the building when viewed from Bassett Green Drive and will also increase boundary spacing.
- 6.9 The Inspector also previously had the opinion that the proposed materials were suitable when considering application 16/01903/FUL. The range of materials now proposed have been simplified with red brick being eliminated from the elevations. The panel must therefore decide if the pallet of materials now chosen would fit with the street scene in an acceptable manner. White render is used as a facing material for buildings in Bassett Green Drive however this is not the main/dominant material locally. The use of render as the dominant material for the elevations of the proposed building is considered to be a retrograde step moving the appearance of the scheme closer to application 16/01352/FUL (which was refused). As such it is recommended that the application is approved subject to amended plans being received which alter the external appearance of the building and re-introduction of materials, including brick, to reflect the appearance and use of materials found locally.
- 6.10 In the event that amended plans are received and planning panel refuse the current scheme, should an appeal be submitted, it is anticipated that a Planning Inspector would come to the same conclusion as the previous Inspector in paragraph 6 of the attached Appeal Decision. Accordingly having taken account of the revised plans, the requirement to seek amendments to the materials used for the elevations of the building (in particular the front elevation visible from Bassett Green Drive) Officers conclude that the proposal would not conflict with the relevant development plan policies and the pertinent aims of the guidance; it would also align with the relevant content of the National Planning Policy Framework and will deliver a well-designed dwelling in accordance with Local Development Framework Policy CS13.

Impact on neighbours:

- 6.11 The scale and mass of the development would not cause significant overshadowing of neighbouring gardens given relevant positions of houses and the nature of vegetative boundaries.
- 6.12 The building is also not judged to be overbearing or dominant when neighbours are within their gardens or habitable rooms.
- 6.13 The proposed house includes two rear facing balconies, one of which is a Juliette style balcony. The window which includes a Juliette balcony would be positioned 4m from the boundary of the property to the north. Owing to the juxtaposition between the proposed Juliette balcony at 9 Bassett Green Drive and the front elevation of the bungalow at 7 Bassett Green Drive an objection has been received to the proposed Juliette balcony. This is because number 7 is set back

significantly from the road due to a stream running across the land. As a consequence a bedroom window is positioned within the front elevation of number 7 and therefore at an oblique angle faces the rear of the application site. Forming the boundary between the two are hedges and fencing. The distance (approximately 14m) between the proposed Juliette balcony and the neighbours' bedroom window at 7 Bassett Green Drive, in combination with the trees on the boundary, hedges and proposed planting are anticipated to remove significant overlooking of neighbouring gardens and bedroom windows. In addition as bedrooms tend to be used less than main living spaces within properties (living rooms and kitchens) an element of mutual inter looking is not unreasonable nor uncommon within a city environment.

- 6.14 Number 11 to the south also includes a rear facing Juliette balcony. Privacy within the garden of number 11 Bassett Green Drive will remain satisfactory owing to the juxtaposition of the two neighbouring rear building lines, boundary treatment formed of timber fencing, trees and hedges; and the proposal to include a privacy screen on the southern side of the balcony. As such the closest section of garden to the rear of the house at number 11 Bassett Green Drive would not be overlooked from the balcony and significant overlooking of the remainder of the garden would also not easily be achieved.
- 6.15 Owing to separation distances and the boundary treatment which includes tall trees and bushes within the local area no concerns are raised from officers regarding the impact of the proposal on the privacy enjoyed by other neighbouring residential occupiers.
- 6.16 Privacy was also not listed within the previous decision and the Appeal Inspector, as noted above, considered the impact on neighbouring amenity acceptable before allowing the appeal. On this basis the scheme is again Local Plan Review policy SDP1 (i) compliant.

Protected trees and ecology

- 6.17 With the use of planning conditions there would be no significant harm posed to protected trees or local biodiversity as a consequence of the development.

Highways.

- 6.18 The proposal would add a new hedge on the boundary of the site. Cars are not required to turn on site. The scheme does not represent a change from the previously refused scheme that was approved at appeal. Previously highways impact, in terms of safety, was not a concern and given that there are no significant changes to the relationship of the scheme to the highway it would be unreasonable to refuse the current scheme on this basis.
- 6.19 A condition has been recommended to ensure that the highway verge is not used for the purposes of parking construction related vehicles and is also not used for storing of construction related materials and/or equipment. Should the verge be damaged at any time during the construction of the development it will be the responsibility of applicant to carry out appropriate repair works.

- 6.20 The proposal will be capable of accommodating refuse and cycle storage.

Solent Disturbance Mitigation Project

- 6.20 The proposal does not result in a net gain of residential units on the site and as such the development does not trigger the requirement to seek a contribution towards the Solent Disturbance Mitigation Project.

7 Summary

- 7.1 The application is recommended for approval as the amendments to the previous scheme lead officers to the same conclusion that the proposal is not out of keeping with the scale, massing and height of neighbouring building (BAS1) and notwithstanding the materials proposed, the design takes account of the existing character of the surrounding area and is judged to complement the street scene, with particular reference to the scale, spacing, massing and height of neighbouring properties (BAS4). As such it has been demonstrated that with amendments to the materials chosen the scheme would be acceptably context driven and thus would not be significantly harmful to the character of the local area. Officers believe that an Appeal Inspector would come to the same conclusion if the application is refused and a subsequent appeal is lodged.

8 Conclusion

- 8.1 Conditionally Approve.

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

1a, b, c, d, 2b, d, e, 3a, 4f, 6a,

MP3 for 20/0/2018 PROW Panel

Conditions.

1.Full Permission Timing Condition (Performance):

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

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

2.Approved Plans

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

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

3.Residential - Permitted Development Restriction (Performance Condition)

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,

Class B (roof alteration),

Class D (porch),

Class F (hard surface area).

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

4.No other windows or doors other than approved (Performance Condition)

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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

5.Obscure Glazing (Performance Condition)

The window in the south side elevation, located at first floor level of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The window shall be thereafter retained in this manner.

Prior to the first occupation of any of the development the 2m high visibility screen (serving first floor balcony of the master bedroom) and the 1.8m high close boarded fence positioned on the southern edge of the approved rear decking (erected so that the top of

the fencing is 1.8m above the floor height of the decking) as represented on the approved plans shall be erected in accordance with the approved plans and subsequently retained in perpetuity.

Reason: To protect the amenity and privacy of the adjoining property.

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

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary; and amended plans, have 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, the roof of the proposed buildings and the balcony privacy screen and balustrade. 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. The amount of white render proposed will need to be reduced. 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.

7. 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 (January 2010).

8. Energy & Water (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 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 (January 2010).

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

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

Monday to Friday 08:00 to 18:00 hours
Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

10. Construction Management Plan (Pre-Commencement)

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

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated.
- (h) measures to ensure that the water course and pond to the rear of the site are not contaminated as a consequence of any works being undertaken.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority. Use of the highway verge for any construction related purposes, including the parking of construction vehicles, will not be permitted and in the event that any damage is caused to the high way, including the verge, that damage will be repaired at the developers/applicants expense within 6 months of the completion of the development hereby approved.

Reason: In the interest of health and safety, protecting the amenity of neighbouring residents, the character of the area, highway safety and to ensure satisfactory protection of the pond and water course to the rear in the interests of local ecology and wildlife.

11. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

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. planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate and details of any proposed boundary treatment, including fencing and/or walls.
- ii. a management scheme for the proposed planting on the boundary.
- iii. a lighting plan.

The approved landscaping shall be carried out prior to occupation of the first floor 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 as specified (once fully established) in perpetuity.

Should any of the plants approved die, fail to establish, are removed or become damaged or diseased they shall be replaced 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 lighting plan will need to prevent light spill into the tree canopy to the rear.

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, to improve privacy enjoyed by neighbouring occupiers and in the interests of local ecology (in particular bats).

13. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

14. Tree Retention and Safeguarding (Pre-Commencement Condition)

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until tree protection as agreed by the Local Planning Authority has been erected. Tree protection measures will need to be erected at the extent of the root protection zone.

No works shall be carried out to overhanging trees without first contacting the City Council and gaining approval in writing for any works considered necessary to facilitate the development.

Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

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

15. No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

Informative:

Protection of stag beetles.

Any pieces of timber found on the site that need to be removed to facilitate the development will need to be moved whole and to a position located at the south east end of the site so that Stag Beetle Habitat.

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Application 17/02561/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Bassett Neighbourhood Plan – (July 2016)

BAS1 New Development
BAS4 Character and Design
BAS9 Trees
BAS10 Grass Verges

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Bassett Neighbourhood Plan (June 2015)

Other Relevant Guidance

The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 17/02561/FUL

APPENDIX 2

Relevant Planning History

1205/85 - ERECTION OF DETACHED BUNGALOW AND GARAGE (Prev Ref - Plot 182 B.W. Estate) – Conditionally Approved 29.08.1961

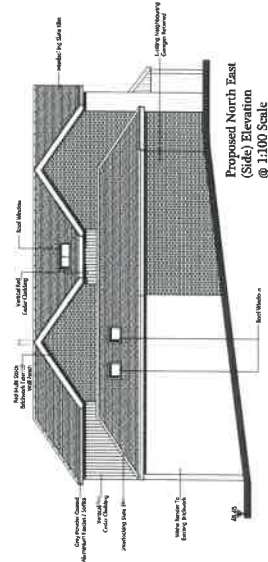
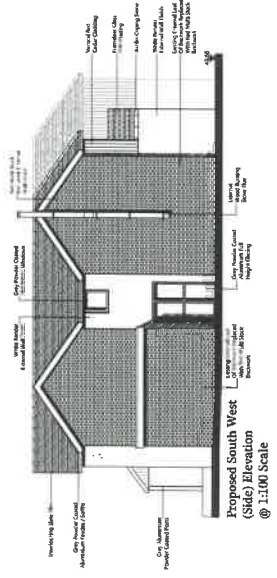
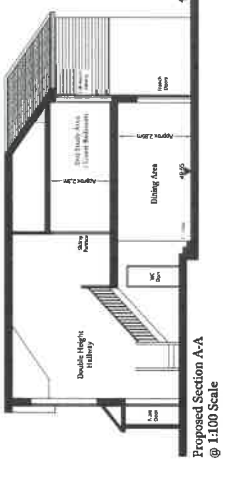
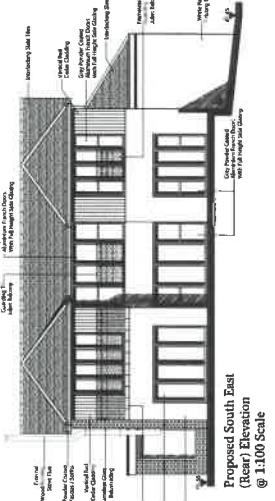
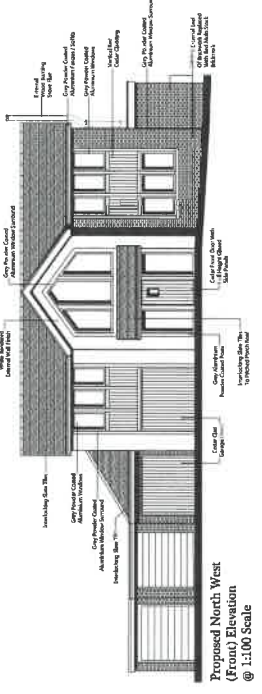
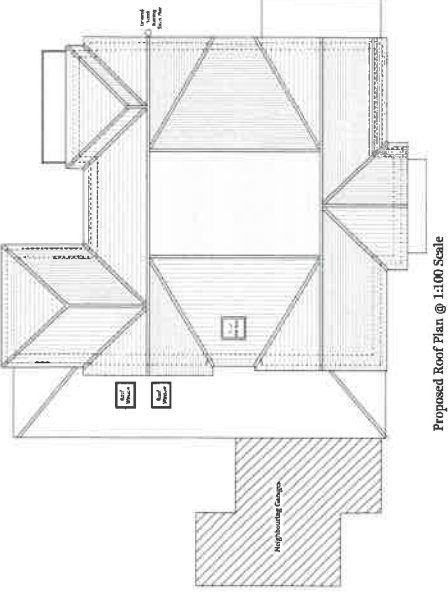
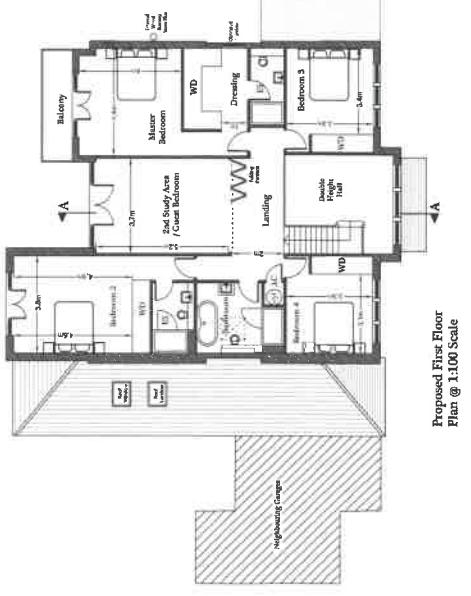
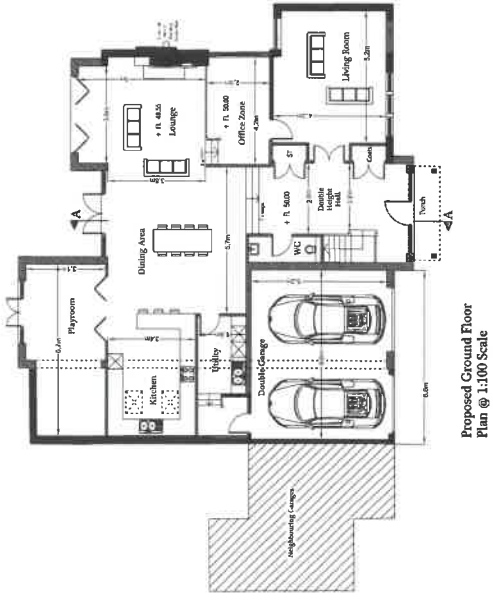
1431/46 - EXTENSION TO BUNGALOW – Refused 08.02.1972

16/01352/FUL - First floor and two storey rear extension with associated alterations to form enlarged dwelling – Refused 07/10/2016.

Reason for Refusal; Design: The scheme fails to take account of the existing character of the surrounding area and the design does not complement the street scene with particular reference to the scale, building to boundary spacing, massing, materials and height in relation to neighbouring properties. The scheme therefore fails to take the opportunity to respond to local character and reflect the identity of local surrounding. The development would also fail to promote or reinforce local distinctiveness or create a strong sense of place. As such the proposal constitutes poor design contrary to paragraphs 17, 58, 60, 64 of the NPPF, policies SDP1 (i), (as supported by paragraphs 3.1.2, 3.5.1, 3.8.6, 3.6.10, 3.7.5, 3.9.5, 3.10.2, 3.10.4, 3.10.6 and 3.13.1 of the adopted Residential Design Guide Supplementary Planning Document 2006), SDP7 (vi) and (v) and SDP9 (i), (iii), (iv) and (v) of the Amended Local Plan Review (2015), Policy CS13 of the amended Local Development Framework Core Strategy Development Plan Document (2015) and policies BAS1 and BAS4 of the adopted Bassett Neighbourhood Plan (June 2015).

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GRAHAM ASH ARCHITECTS
 10011 10th Street, Suite 100, San Diego, CA 92121
 (619) 551-1111
 www.grahamash.com

PROJECT: Mr B Toor
 9 Bassett Green Drive
 Southampton
 SO16 3QN

TITLE: Proposed Plans & Elevations

DESIGNED BY: [Signature] DATE: 16/01/18
 CHECKED BY: [Signature] DATE: 21/01/18
 SCALE: 1:100

NO. OF SHEETS: 10
 SHEET NO.: 10
 REV: F

16:041:05 REV F

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Appeal Decision

Site visit made on 5 April 2017

by **D Cramond** BSc MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/D1780/D/17/3168210

9 Bassett Green Drive, Southampton, Hampshire, SO16 3QN

- 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 Bhupinder Toor against the decision of Southampton City Council.
 - The application Ref 16/01903/FUL, dated 7 November 2016, was refused by notice dated 16 January 2017.
 - The development proposed is a first floor and two storey rear extension with associated alterations to form enlarged dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor and two storey rear extension with associated alterations to form enlarged dwelling at 9 Bassett Green Drive, Southampton, Hampshire, SO16 3QN in accordance with the terms of the application Ref 16/01903/FUL, dated 7 November 2016, subject to the conditions in the attached schedule.

Procedural Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellant also uses this on the appeal form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

Character and appearance

4. The appeal property is a large detached single storey, split level, extended dwelling of non-remarkable appearance. It lies within a residential area with houses, bungalows and split level properties of generally traditional design for the most part occupying spacious plots with mature landscaped gardens. Overall the locality has a pleasing and established suburban air and a spacious character. The proposal is as described above and would represent a sizeable enlargement of the existing home with the addition of significant new bedroom and living space volume.
 5. The Council is concerned that the development would be unacceptably out of place, with particular criticism given to the proposal's design specifically on matters of scale, massing, height and boundary spacing in relation to
-

neighbouring properties. The concern is this would not align with local character or identity. It is certainly the case that this would result in a sizeable dwelling which would be at some elevational variance from most found locally; a large front gable window being a clear example of this. However I see no need to slavishly follow every design feature or window style found locally to make a neutral or positive contribution to the wider streetscene, particularly when so much of the visual ambience is a result of landscape which would continue to prevail. The designer here has selected to use suitable materials, characteristic gable ends to the front sides, an overall height which would be reflective of those properties to the south, and massing such that the upper level would be set off side boundaries and all together adequately distant from the bungalow to the north which lies deeper in its plot. Residential amenity of neighbours would be suitably safeguarded in my opinion and to my eyes the appeal scheme would not detract from the sense of place or from local aesthetic qualities.

6. Policies SDP1, SDP7 and SDP9 of the amended Local Plan Review (2015), Policy CS13 of the amended Local Development Framework Core Strategy Development Plan Document (2015) and Policies BAS1 and BAS4 of the adopted Bassett Neighbourhood Plan (June 2015) have relevance to the case. Taken together, and amongst other matters, they seek to ensure that development is of high quality design, sympathetic to its surroundings and integrating in the streetscene, suitable in height and layout for its context, and protective of amenity. This is reflected in the advice and objectives of the Council's adopted Residential Design Guide Supplementary Planning Document 2006 albeit that document cannot be expected to cover every eventuality. I conclude that the proposal would not conflict with the relevant development plan policies and the pertinent aims of the guidance; it would also align with the relevant content of the National Planning Policy Framework.

Conditions

7. The Council reasonably suggests the standard commencement condition along with a condition that works are to be carried out in accordance with listed, approved, plans as this provides certainty. It also suggests restrictions on a window and a range of 'permitted development' rights and I would agree that given the nature and landscape qualities of the site, the relationship to neighbouring properties and the form and depth of the planned building and surrounding layout that specific circumstances here would dictate this as necessary. Conditions seeking details of materials and landscape treatments would also be appropriate in the interests of visual and residential amenity. Working hours for construction activity would be a reasonable control in the interests of amenity given the scale of operations and the close juxtaposition of neighbours. I shall apply suitable conditions relating to these matters which for clarity and brevity may differ in wording from those proposed by the Council.

Overall conclusion

8. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality. Accordingly the appeal is allowed.

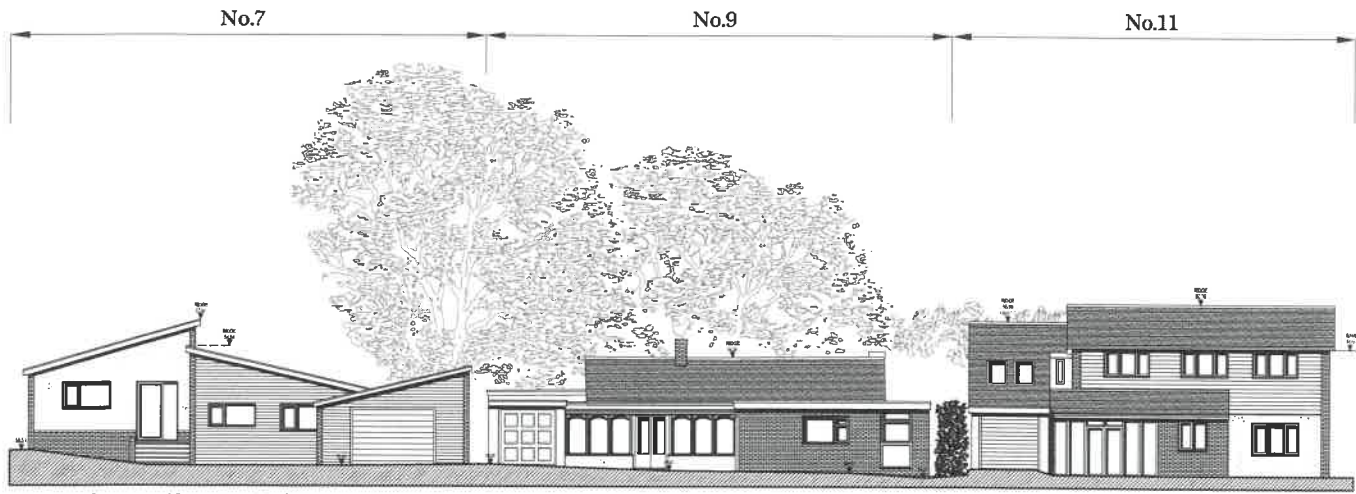
D Cramond

INSPECTOR

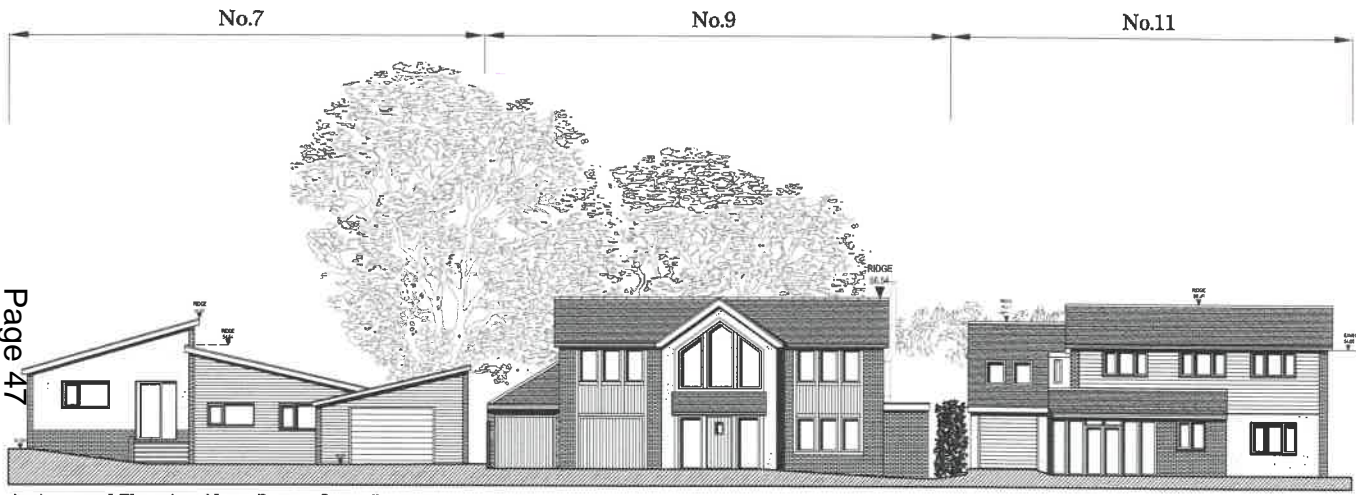
SCHEDULE OF CONDITIONS (8):

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 16:041:01 REV A; 16:041:03 REV F; 16:041:05 REV G; and 16:041:12.
3. 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 follows shall be erected or carried out to the extended dwelling house hereby permitted: Class A (enlargement of a dwelling house), including a garage or extensions, Class B (roof alteration), Class D (porch), Class F (hard surface area).
4. 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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted.
5. The window in the south west side elevation, located at first floor level of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.
6. 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, the roof of the proposed buildings and the balcony privacy screen and balustrade. Development shall be implemented only in accordance with the agreed details.
7. 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.
8. 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: planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate and details of any proposed

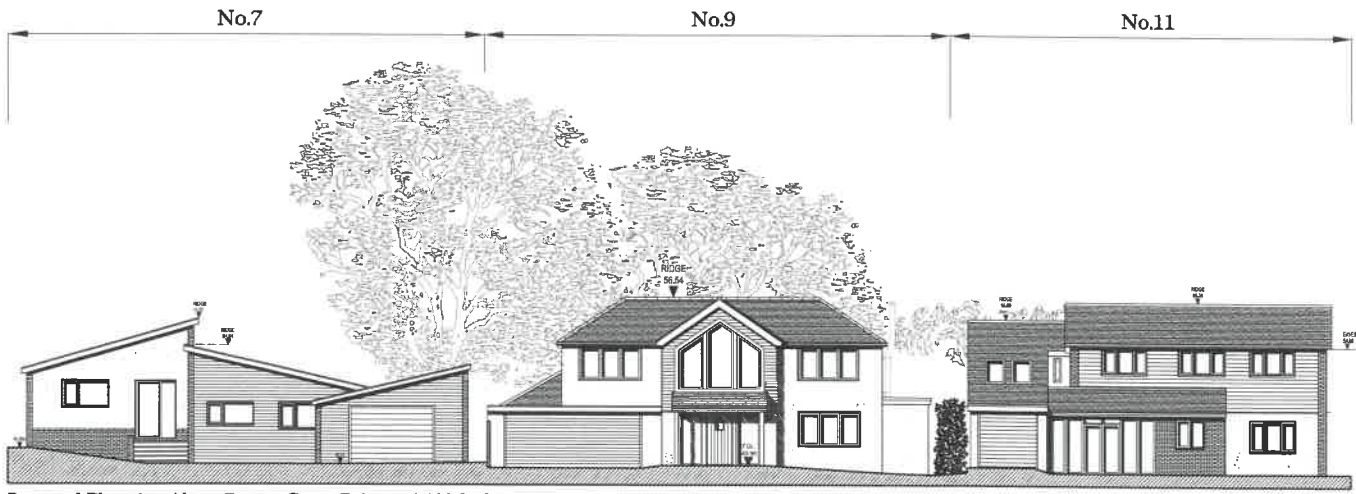
boundary treatment, including fencing and/or walls. The approved landscaping shall be carried out prior to occupation of the first floor of the building or during the first planting season following the full completion of building works, whichever is sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.



Existing Elevation Along Bassett Green Drive @ 1:100 Scale



As Approved Elevation Along Bassett Green Drive @ 1:100 Scale



Proposed Elevation Along Bassett Green Drive @ 1:100 Scale

<p>GRAHAM ASH ARCHITECTS <small>11 Lark Road, Southampton, Hampshire, SO16 3QN Tel: 0703 0000000 Email: graham.ash@grahamash.co.uk</small></p>	<p>TITLE: Existing Elevation As Approved Elevation Proposed Elevation Along Bassett Green Drive Including Neighbouring Buildings</p>	
	<p>CLIENT: Mr S Toor</p>	<p>SERIES BY: GA DATE: 2-2-18 DRAWN BY: JAT SCALE: 1:100</p>
<p>SCALE @ 1:100</p> <p>0 1 2 3 4 5m</p>		<p>16:041:14</p>

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Agenda Item 7

Planning and Rights of Way Panel 20.02.2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development

Application address: 25 Howard Road, Southampton			
Proposed development: Erection of a single storey rear extension			
Application number	17/02389/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	18.01.2018	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton
Referred to Panel by:	Cllr Moulton	Reason:	Overbearing, overshadowing, over-intensification of site, overlooking, impact on parking pressure

Applicant: JSR Estates	Agent: Mr Amrik Chahal (ACA Design)
Recommendation Summary	Conditionally approve
Community Infrastructure Levy Liable	No

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, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Site history

Recommendation in Full - Conditionally approve

1.0 The site and its context

- 1.1 The application site is relatively typical of the surrounding area, consisting of a semi-detached residential dwelling with a garden to the rear. The building itself has been subdivided to serve as 6 self-contained bedsits/studio flats (and has been since at least 2009 – thereby immune from planning enforcement action) although planning permission has never been granted for this use).
- 1.2 The site lies in close proximity to the city centre and has on-road parking restrictions. The front of the site has been hard surfaced to serve as additional parking.

2.0 Proposal

- 2.1 The application proposes the demolition of an existing 1.8m single storey element to the rear and its replacement with a flat roof single storey extension with a depth of 5m and a height of 3.2m. The extension will serve an existing 1 bed ground floor flat.
- 2.2 Currently the unit is accessed internally and consists of 2 main rooms (a bedroom and kitchen/living room, with an additional toilet and bathroom). Following the proposal it is intended that the unit will be accessed externally from the side, with the internal access closed, and consist of a bedroom, kitchen and living room (and toilet/bathroom).

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 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 The property appears to have historically been converted to form a number of flats/bedsits. Evidence appears to suggest the building has historically been as individually rented rooms with shared toilet facilities only, with a copy of a letter on file dated 08/06/1984 from the Planning department confirming that the property had established a lawful use as ‘five flatlets’. More recently the Councils enforcement team have investigated the property and found it currently appears to be in occupation as 6 flats/bedsits. The owner submitted a number of legal documents to the Council’s enforcement team which show that the property has been laid out in this fashion since at least 2009. The Councils enforcement team reviewed the available evidence, and internal Council records, and came to the decision that it was not expedient to pursue enforcement action in relation to the current occupation of the property.

- 4.2 More recently works were undertaken to extend and alter the roof form of the property to allow additional residential space in the roof for one of the units. An application was submitted retrospectively for these roof alterations under application reference 17/00801/FUL. This application was refused on 23.08.2017 in relation to concerns about the impact on the appearance of the property. This application is currently in the process of being appealed under reference APP/D1780/W/17/3189280. Further details are available on the Planning Inspectorates website (<https://acp.planninginspectorate.gov.uk/>).

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. At the time of writing the report 6 representations have been received (including 3 representations from surrounding residents, 2 from residents' groups and a Panel referral from Ward Cllr Moulton. The following is a summary of the points raised:

- 5.2
- Proposal would allow further residential intensity which would exacerbate existing parking issues
 - Surrounding area already has a large predominance of HMO/flatted properties which results in properties being poorly maintained/knock on impacts on surrounding area from intensity of development
 - Increased residential intensity would increase anti-social behaviour and criminal activity and other facilities

Response:

The application seeks permission for a single storey rear extension. As shown on the submitted floor plans this will add one additional room to an existing one-bed flat; thereby providing a separate living area and improve the living accommodation on offer. The application does not propose an increase in the number of units/people on site, although officers recognise that the 'lounge' could easily be used as a second bedroom. Whilst not recommended in this case the Panel could decide to impose a planning condition to limit the use of this room.

- 5.3
- Previous construction works have been poorly implemented/damage done to neighbouring dwellings
 - Properties in surrounding area have issues with subsidence
 - Do not think applicant will comply with requirements of Party Wall Act

Response:

The development is also required to meet Building Regulations standards and the requirements of the Party Wall Act but both of these are separate pieces of legislation which are not under the remit of the Planning process. If there is concern that damage is being done to a neighbouring property or the requirements of the Party Wall Act are not being adhered to, the relevant land owners should seek independent advice on the matter.

- 5.4
- Roof alterations to increase residential intensity are unacceptable
 - New consents should not be sought while outstanding enforcement issues are being resolved

Response:

The government has outlined that where it can be shown that development was intentionally carried out without permission being sought that this can be a material consideration. The Council has no evidence to substantiate that on this site. Furthermore, the current application does not relate to the roof alterations currently being considered at appeal. It is not considered that the outcome of the appeal would materially alter the consideration of the current application.

- 5.5 • Unclear on lawful use of property/house should not be turned into flats

Response:

This issue is discussed in more detail in section 4 above.

- 5.6 • Previous construction works have been noisy and disruptive

Response:

Such works are likely to be temporary in nature. Planning conditions can be imposed to control hours of construction. Excessive noise can be referred to the Council's Environmental Health team if necessary.

- 5.7 • Proposal would impact neighbouring occupiers outlook and access to light

Response: This issue is discussed in more detail in section 6.

Consultation Responses

- 5.8 **Cllr Moulton** – Support for the comments of neighbouring residents and concerned about both the physical impacts of the development (overlooking, overbearing, overshadowing) and the knock on impact of additional residential capacity with particular reference to on-street parking pressure.

6.0 Planning Consideration Key Issues

- 6.1 The application relates to a single storey extension to an existing building, which appears to have a historic use as a mixed flat/bedsit use. While the existing use and layout of the property are unusual, the property has recently been investigated by the Council's Planning Enforcement team and the decision reached that there was not sufficient evidence to suggest that there is an extant breach against which enforcement action can be taken. As such the Council has accepted the existing use of this building as 6 flats/bed sits. This application seeks permission to extend an existing ground floor 1 bedroom flat with the addition of a separate living area. The principle of extending the existing building is supported.

6.2 Neighbouring occupiers

- 6.2.1 The extension itself has a height of 3.2m and a depth of 5m and sits in immediate proximity to the common boundary. The extension is reasonably deep but taking into account the height it is considered that the physical impacts on the development on the neighbouring occupier will be mitigated by the height and design of the proposed development such that they do not represent significant harm to the neighbour.
- 6.2.2 The internal layout involves changing the existing rear ground floor unit from having a kitchen/living room to a separate kitchen and living room, with access to the unit from an existing door to the side and the internal access through the bedroom removed. Broadly, it is not considered that the proposal represents a significant increase in the residential capacity of the existing dwelling; whilst recognising that the 'lounge' could be used as a second bedroom.

6.3 Occupiers of site

- 6.3.1 It is considered that, as shown, the proposal provides an improved living environment for the residents of the extended unit and the site otherwise retains sufficient amenity space for the occupiers. This conclusion would also hold good should a second bedroom be created.

7.0 Summary

- 7.1 It is considered that the overall scale of the proposed development has an acceptable impact on the amenities of neighbouring occupiers and does not otherwise harm the amenities of the occupants of the host building. The application relates to a single storey rear extension which is not considered to significantly increase the potential residential intensity of the existing building as whole.

8.0 Conclusion

- 8.1 For the reasons outlined, the application is recommended for conditional approval.

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

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

JF1 for 20/02/18 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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

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

02. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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

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

Monday to Friday 08:00 to 18:00 hours
Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

04. Approved Plans

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
H4 Houses in Multiple Occupation
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)

Relevant Planning History

17/00801/FUL, Roof alterations including rear dormer window and 3 roof lights
(retrospective)

Refused, 23.08.2017

Appeal pending

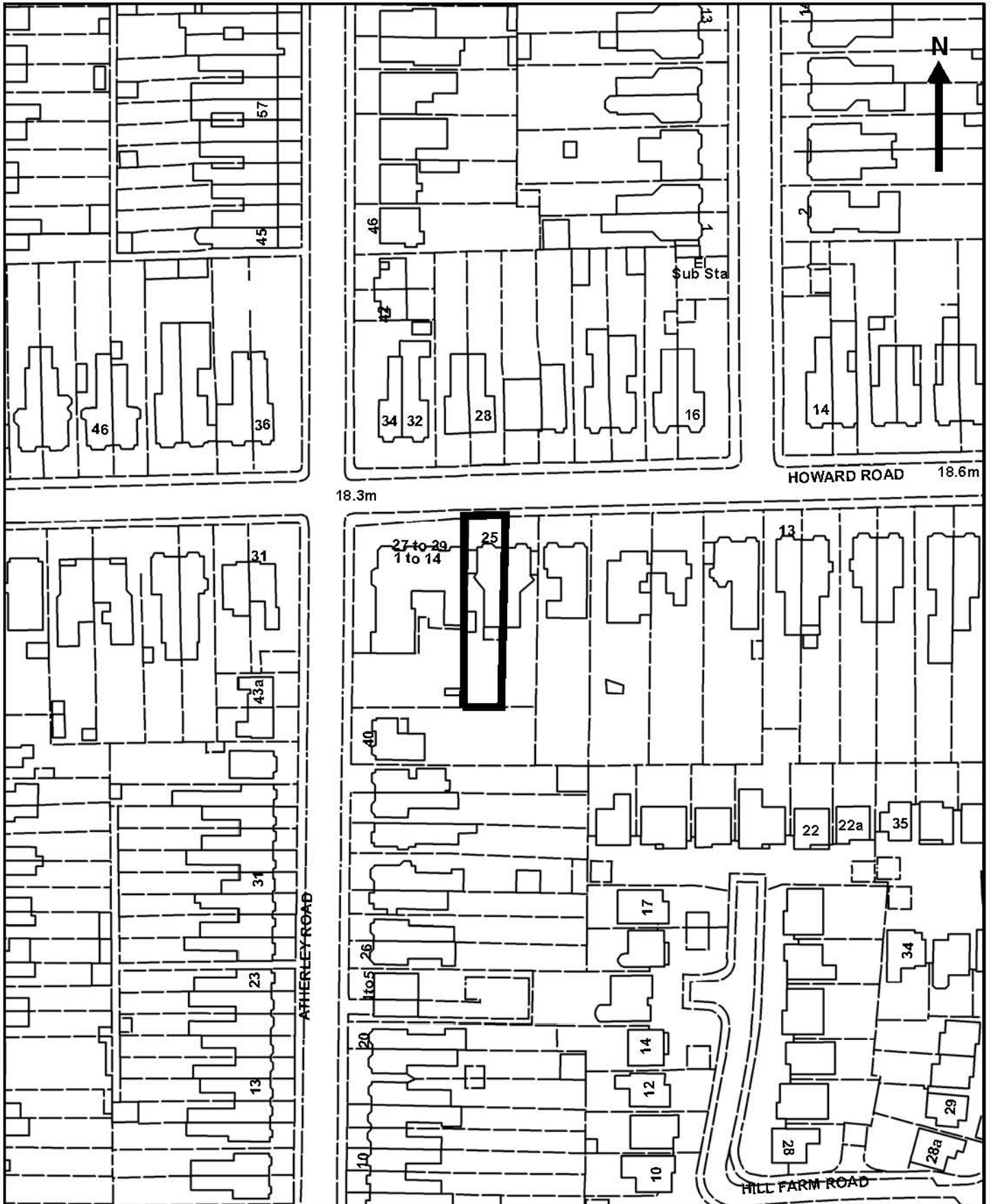
1376/31, Window to west elevation

Conditionally Approved, 10.07.1969

1367/4R1, Removal of garage and replace by a carport

Conditionally Approved, 15.04.1969

17/02389/FUL



Scale: 1:1,250

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Planning and Rights of Way Panel 20th February 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development

Application address: 4 Primrose Road, Southampton			
Proposed development: Erection of part single storey, part two-storey rear extension (retrospective)			
Application number	17/01669/FUL	Application type	FUL
Case officer	Amber Trueman	Public speaking time	5 minutes
Last date for determination:	21.11.2017 ETA	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr B Harris Cllr L Harris Cllr J Hannides
Referred to Panel by:	Cllr B Harris	Reason:	Overbearing, out of scale, out of character for the area and non-compliance with the conditions of application ref. 16/00346/FUL

Applicant: Mr Sihota	Agent: Sanders Design Services Ltd
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Recommendation Summary	Conditionally approve
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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, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (Amended 2015) and CS13 CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015), the Residential Design Guide

(September 2006) and the relevant sections of the HMO Supplementary Planning Document (amended May 2016).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site is a two-storey, semi-detached dwellinghouse located on the eastern side of Primrose Road. At present, the property is in lawful use as a 5-bed C4 House in Multiple Occupation (HMO).
- 1.2 The property currently comprises a front-facing bedroom, lounge/kitchen, shower room and rear-facing bedroom at ground floor level as well as 3 bedrooms and a bathroom at first floor level. The large lounge/kitchen space, shower room, ground floor rear-facing bedroom and the enlargement of one of the first floor rear-facing bedrooms have all been facilitated by the erection of a part single-storey part two-storey rear extension.
- 1.3 The property is located in a residential area characterised by two-storey, semi-detached houses, primarily with hipped roofs. The property also benefits from off-road parking for one car on the forecourt.

2. Proposal and Planning Background

- 2.1 On 26/09/2016 permission was granted for a part single-storey, part two-storey rear extension to the property which would also enable the number of occupants to 5 (Ref. 16/00346/FUL). The single storey section of the proposal was not built to the approved plans and now has a 0.7m increased eaves height, smaller ground floor rear-facing windows and the rear door to the garden has been relocated. In addition, due to the colour of the guttering and render, the extension does not meet condition 4 of the consent which requires matching materials to the original dwelling. As such, additional planning consent is now required for the development to be deemed lawful and the changes to be regularised.
- 2.2 In light of the above, the current application seeks retrospective planning approval for the part single-storey, part two-storey rear extension as built; although the Panel will note that the previous approval and the extent of those works form a significant material consideration. As such, only the changes between that approved, and then built are, are relevant to the Panel's deliberations.

- 2.3 It is noted that the established use of the property is a 5-bed HMO. The current proposal does not alter this use and, therefore, the use of the property should not be considered further. In addition, due to the previous grant of application reference 16/00346/FUL, the only considerations to be made will be whether the change of materials, increased eaves height or altered windows and door of the single storey section present any visually harm or detrimental impact to residential amenity.

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 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. Relevant Planning History

- 4.1 On 26th September 2016 permission was granted for a part single-storey, part two-storey rear extension to facilitate the relocation the kitchen to create an additional bedroom to the rear, a new shower room off of the lobby and enlargement of one of the existing first floor rear facing bedrooms (Ref. 16/00346/FUL).
- 4.2 As aforementioned, the approved scheme was not built out as per the approved plans therefore the extension now requires further planning permission to be granted in order for the development to be deemed lawful. As such, the current application is seeking full planning approval for the part single-storey, part two-storey extension as completed.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **3 representations** have been received from surrounding residents including a Panel referral request from ward councillor B Harris. The following is a summary of the points raised:
- 5.2 **The roof that has been built has a pitch of approximately 4 degrees, essentially a flat roof from an architectural standpoint, and looks completely out of place with the pitch of the rest of the extension and the rest of the house.**

Response:

It is accepted that the roof of the single storey part of the built extension is close to flat. However, it is not unusual for flat-roofed single storey rear extensions to be built providing they are of an appropriate size and do not present harm to neighbouring residents. Considering its modest depth and that 6 Primrose Road already has a rear extension of a similar depth, the single storey part of the development is judged to be acceptable and unlikely to cause any significant harm to neighbouring

residents. Moreover, though the design is not as favourable as the previously approved, the slight alteration to the eaves height and roof of the single storey section of the extension is thought to have a limited impact to the character of the host property and is therefore permissible in this situation.

- 5.3 **I also question whether the relevant building standards have been met as many tiles have a minimum pitch requirement greater than 10 degrees to guarantee water tightness.**

Response:

This comment relates specifically to building regulations and is therefore a query for Building Control rather than the Planning Department.

- 5.4 **The approved plans showed some attempt at respecting the scale of the existing house and limiting the impact on the outlook from my kitchen and upstairs bedroom; however, what has been built does not respect either. From my kitchen, which Section 2.2.12 of the Residential Design Guide classifies as a habitable room, and upstairs bedroom I can see this large, imposing and out of scale structure prominently in my sight line.**

Response:

With consideration towards the previously application (Ref. 16/00346/FUL) it is judged that the part single storey, part two storey extension as built is not significantly larger than what has already been approved. It is acknowledged that the eaves are higher and the pitch of the roof is far shallower, however the overall mass gained from these alterations is not considered to present detrimental harm above what was previously approved.

- 5.5 **With the extension as built, my kitchen feels significantly darker, as the view of clear sky has been significantly decreased, and my small (corner plot) rear garden feels hemmed in.**

Response:

The current application is only proposing minor alterations to the approved scheme (Ref. 16/00346/FUL), namely the materials, increased eaves and changes to the rear-facing windows and doors at ground floor level; neither or which have a visually harmful impact to neighbouring amenity. In light of this, the 0.7m increased eaves at ground floor is not judged to present significant harm above what has already been approved. The alteration is therefore deemed acceptable

- 5.6 **The eaves height is greater than three metres and when stood in my rear garden the extension is overbearing.**

Response:

The current application is only considering whether the alterations to the approved scheme (Ref. 16/00346/FUL), namely the materials, increased eaves and changes to the rear-facing windows and doors at ground floor level have a visually harmful impact or harmful impact to neighbouring amenity. Due to its modest 1m depth, the 0.7m increase to the height of the eaves at single storey level, above what has already been approved, is not judged to have a significantly harmful impact on the

neighbouring properties. The alteration is therefore deemed acceptable.

- 5.7 **The eaves height is greater than the existing extension present at Number 6 Primrose Road, this extension appears to tower above it – the extension as build clearly does not take into account the character of the area.**

Response:

With reference the previously approved scheme (Ref. 16/00346/FUL), the extension is not increasing in depth, the only alteration to impact the neighbours will be the 0.7m increase in the single-storey eaves height. Though the design is not as favourable as the previously approved, the alteration is not judged to present any significant harm to neighbouring amenity over and above what has already been approved.

- 5.8 **The development does not meet Section 2.3.2 of the Residential Design Guide as the increased single-story height makes the property look lopsided. From the plans, the Rear View demonstrates how jarring the increased eaves height and decreased roof pitch is by making the property look bottom heavy with a “squashed” top.**

Response:

See previous response

- 5.9 **The materials used fail to match the existing materials – black guttering has been used instead of white/grey and grey render has been used for the pebbledash instead of brown.**

Response:

It is accepted that the materials used in the construction of the extension do not identically match the original property. However, the colour of the guttering is thought to have a minor impact to the appearance of the overall property and the walls have been covered in pebble dash to match the original property. Though the colour of the render does not match exactly it is considered to have a close likeness to the existing and therefore does not present significant visual harm or harm to the residential amenity of the occupants or neighbouring residents.

- 5.10 **... conditions for approval of application 16/00346/FUL were laid out ...concerning boundary treatment and additional licensing scheme approval of standards appropriate to an increase from 4 to 5 tenants at the completion of the new construction. There is nothing to show that the owner acted on either of these conditions...**

Response:

The boundary treatment as specified within the previous approval has been installed and is detailed on the plans for the current application. The boundary treatment between the host property and 2 Primrose road is 1.8m close board fencing. With regards to additional licensing, this was not conditioned under the previous approval and is a separate matter for the Council's HMO Licensing team. The current application is not considering the use of the property.

6. Planning Consideration Key Issues

- 6.1 The determining issues for this application relate to whether the alterations to the approve scheme (Ref. 16/00346/FUL), namely the 0.7m increase of the single-storey eaves height, the change of materials, the reduction in size of the ground floor rear-facing windows and the relocation of the ground floor rear door, present any visual harm or harm to the residential amenity of the occupants or to neighbouring residents.
- 6.2 Principle of Development
- 6.3 It is firstly noted that the established use of the property is a small HMO (class C4) for up to 5 residents. The development does not make any internal changes beyond what was previously approved under application reference 16/00346/FUL and does not propose any change to the number of occupants. As such the use of the property is not being considered and the principle of the alterations to the previously approved extension are acceptable.
- 6.4 Impact on Residential Amenity
- 6.5 With regard to the increase of the eaves height above that approved in application ref. 16/00346/FUL, the additional 0.7m at single storey level is acknowledged to be a noticeable difference however, from the side of 2 Primrose road the section of the extension to increase only spans 1m and is therefore judged to have a minor impact to the residential amenity of the occupants of 2 Primrose Road. In terms of the impact to 6 Primrose Road, the extension has not increased in depth and already extends to a similar depth as that at the adjoining property. As such, the alteration to the eaves height will not be clearly seen unless in the rear garden of number 6, and it will not present any excessive overshadowing, particularly due to the north-east facing gardens.
- 6.6 It is also noted that the alterations to the windows and door will not be clearly visible from the neighbouring properties and are therefore judged to have a negligible impact to residential amenity. In terms of the impact to the amenity of the occupants of the host dwelling, the windows are still in proportion with those displayed on the original dwelling and will adequately serve the rooms in which they are situated. As such the amenity of the occupants will not be harmed as a result of the development.
- 6.7 In terms of the materials use, it is accepted that they do not identically match the original property. However, the colour of the guttering (black rather than the original white) is thought to have a minor impact to the appearance of the overall property. Similarly, though the colour of the render does not match exactly the pebble dash finish has been respected and overall the extension is considered to have a close likeness to the original property. As such, the materials and finish are not considered to present significant visual harm or harm to the residential amenity of the occupants or neighbouring residents.

6.8 Visual Impact

- 6.9 The increase of the height of the single storey eaves above that previously approved under application reference 16/00346/FUL is 0.7m. Considering the fact the extension is located to the rear of the property, this alteration is judged to have little visual impact in the streetscene. In addition to this, the section extended which can be viewed from number 2 Primrose Road is over 4m away from the rear of the dwelling and only spans 1m in depth when viewed from this side. From the side of 6 Primrose Road, who also have an extension of a similar depth, the extension is only clearly visible when stood in the rear garden facing back towards the property therefore the increase in eaves height will not present any significant impact. Consequently, the additional 0.7m eaves height of the single-storey section is not judged to be visually intrusive to the neighbouring residents.
- 6.10 As aforementioned, the changed materials, namely the black guttering and lighter coloured render are broadly respectful of the original dwelling and therefore will have little visual impact in the area.
- 6.11 Lastly, the reduction in the size of the rear facing windows and the relocation of the rear door will only be visible from the rear of the property. Due to this and that the new windows still respect the proportions of those featured on the original dwelling, the visual impact of the change will be negligible.

7. Summary

- 7.1 Despite the alterations to the previously approved scheme, the development is considered to have an acceptable impact in terms of its visual impact and the impact to residential amenity. To elaborate, though the design as altered is considered to be less favourable, the 0.7m increase in the eaves height of the single storey section, is minor and will not present significant harm in terms of its visual impact or the impact to residential amenity above and beyond what was already approved. In addition, though the materials used differ slightly from the original property, they are not considered to present any substantial harm to the host property or be visually harmful to others, particularly as the extension is located to the rear of the property and is not clearly visible in the streetscene. Finally, the new ground floor windows clearly match the proportions of those on the original property and are therefore deemed to be acceptable. Moreover, the relocation of the rear door has a negligible impact on the overall appearance of the extension.
- 7.2 Consequently, the scheme is judged to be acceptable and it is, therefore, recommended for approval.

8. Conclusion

- 8.1 Conditional planning approval should be given.

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) and 6(a)

AMBERT for 20/02/18 PROW Panel

PLANNING CONDITIONS

01. Number of occupiers

The number of occupiers at the property in connection with the development hereby permitted shall not exceed 5 persons.

Reason: In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

02. Retention of communal spaces

The communal rooms as shown on the plans hereby approved (namely, the kitchen, lounge, bathroom and shower room) shall be retained for their purposes whilst the property is in use as an HMO.

Reason: In the interests of the living conditions of the occupiers of the HMO.

03. Approved Plans

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

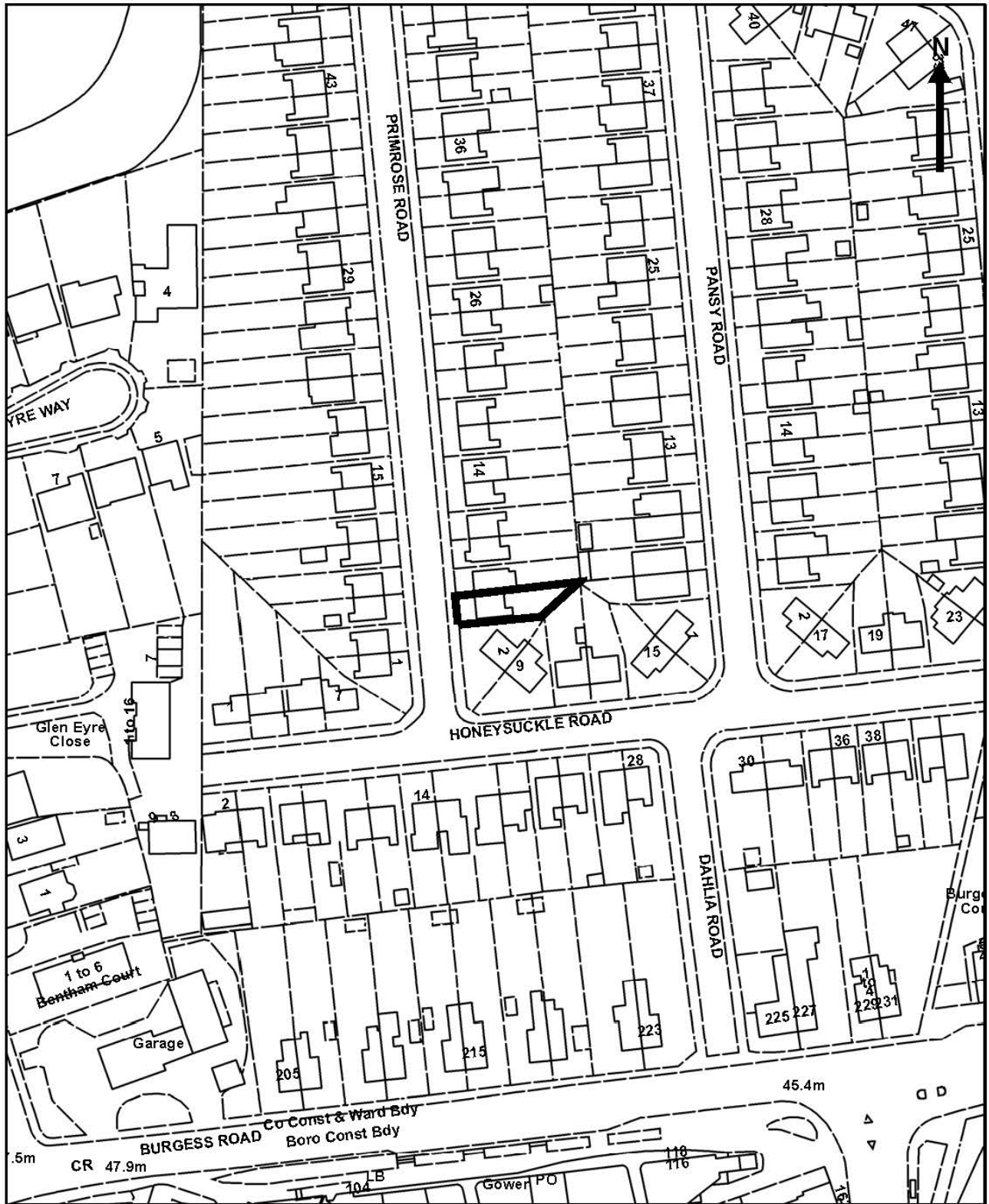
Houses in Multiple Occupation SPD (HMO SPD, 2016)

The adopted Bassett Neighbourhood Plan (2016)

Other Relevant Guidance

The National Planning Policy Framework (2012)

17/01669/FUL



Scale: 1:1,250

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Agenda Item 9

Planning and Rights of Way Panel 20th February 2018 Planning Application Report of the Service Lead – Infrastructure, Planning and Development

Application address: Land adjacent to 153 Athelstan Road, Southampton			
Proposed development: Construction of two storey, four bed detached house with associated bin/refuse, car parking and cycle storage.			
Application number	17/01600/FUL	Application type	FUL
Case officer	Amber Trueman	Public speaking time	5 minutes
Last date for determination:	23.02.2018	Ward	Peartree
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Paul Lewzey Cllr Alex Houghton Cllr Eamonn Keogh
Called in by:	Cllr Keogh	Reason:	Insufficient parking, highway safety impact, and impact on residential amenity.

Applicant: Mr J Ayres	Agent: RMV Architecture
Recommendation Summary	Delegate to Service Lead
Community Infrastructure Levy Liable	Yes

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 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, H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendices attached			
1	Development Plan Policies	2.	Planning History

Recommendation in Full

1. Delegate to the Service Lead, Infrastructure, Planning and Development to grant planning permission subject to the planning conditions recommended at the end of this report and to secure financial contribution towards Solent Disturbance Mitigation Project (SDMP) 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, Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant conditions as necessary.
3. In the event the Solent Disturbance Mitigation Project (SDMP) is not resolved the Service Lea, Infrastructure, Planning and Development to be given delegated powers for failure to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010.

1.0 The site and its context

- 1.1 The application site comprises a vacant piece of land at the eastern end of Athelstan Road, close to the junction with Peartree Avenue. The area of land is fenced off from the neighbouring residential properties and somewhat over-grown by vegetation. It does not appear to have ever formed part of the private gardens of the neighbouring properties.
- 1.2 The site lies adjacent to the brow of the hill in Athelstan Road and there is, therefore, a change in levels affecting the site, with the land sloping down from the junction with Peartree Avenue. The site is set at a slightly lower level than the adjacent public footway and the levels across the site itself also vary, generally sloping upwards from north-west to north-east.
- 1.3 The surrounding area is residential with a suburban character. The properties within the area are typically detached, with hipped roof and front bay windows. The site has planning permission for a new dwelling (LPA ref: 15/01346/FUL).

2.0 Proposal

- 2.1 The application proposes a detached, two-storey, four bedroom house with one on-site parking space and associated bike and bin storage. The property would have a hipped roof with double-height front bay window. The elevations would be finished in brickwork but the specific details of such, alongside the other materials, will be conditioned to be agreed in writing by the Local Planning Authority at a later date.
- 2.2 The application includes works to level the site, including some cut and fill. The greatest change to the existing levels is to the rear of the site, where the land would be raised by just over 1 metre to form a terraced patio area.
- 2.3 A rear garden area would be provided of just below 75sqm which is approximately 8.15 metres in depth.
- 2.4 There is an extant planning permission for the construction of a two-storey, 3-bed house (reference 15/01346/FUL until 14.08.2018) on this land. The current application makes a series of changes to this approved scheme. The key difference between the two schemes are as follows:
 - Due to the layout of the site and squaring off the rear of the proposed dwelling to provide additional living space internally, although the footprint is largely as

consented, and the rear garden area has been reduced by approximately 8sqm (to 75sq.m).

- The previous application proposed a 3-bed dwelling, the current proposal is for 4 beds.
- The design has been amended to incorporate additional planting, particularly to the front of the property.
- The current application proposes to pitch the roof and install rooflights in order to provide sufficient headroom for a master bedroom, en-suite and dressing room in the roof space. The previously approved scheme had a flat roof section.
- The building's eaves height remains as approved but the ridge height is increased from 8.45m to 9.06m (17.7m Above Ordnance Datum)

2.5 The site history also includes a number of refusals for a single dwelling. This scheme differs from those schemes as the design better reflects the prevalent style of properties located on Athelstan Road by incorporating a double height bay to the front, proportional fenestration, a full hipped roof and the proposed dwelling will be set back from the highway and will not protrude forward of the established front building line along Athelstan Road. In addition to this, highways safety has been properly considered and an on-site parking space has been provided with level access and an appropriate visibility splay to ensure a clear view of traffic travelling up and down the road. Moreover, additional planting has been incorporated into the basic landscape design which will act to improve the visual appearance 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 (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 site is not identified for development purposes within the adopted Development Plan and lies within an area of medium accessibility to public transport (Public Transport Accessibility Level 3).

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 Full details of the planning history of the site are set out in **Appendix 2** of this report. There have been a number of previous applications on this site seeking permission for the construction of a dwelling.

4.2 In 1988 planning permission was granted for the construction of a dwelling which was designed to appear as a bungalow from the street, although incorporated a significant basement area. This was followed by the approval of an alternative scheme in 1994 which comprised a three-storey dwelling with an integral garage.

4.3 Similar applications for large, three-storey houses were refused planning permission in 2002, 2005.

- 4.4 In 2015, an application for a detached two-storey, three-bed dwelling was also refused (LPA ref: 14/02023/FUL).
- 4.5 The most recent application was approved for the construction of a two-storey, 3-bed house (reference 15/01346/FUL - approved 14.08.2015).

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 (20.10.2017). At the time of writing the report **3 representations** have been received including an objection and Panel referral from Ward Cllr Keogh. The following is a summary of the points raised:

- 5.1.1 **This application provides for a three storey dwelling with windows to the front aspect on Athelstan Road on all three floors. The top floor window would significantly overlook the private rear garden at 151 Peartree Avenue.**

Response:

The dwelling is two full storeys with rooms in the roof and has been designed to avoid placing upper floor habitable room windows on the side elevations. Furthermore, the separation to the neighbouring properties, together with the change in levels, and that fact the new rooms in the roof space will be served by roof lights set at 1.7m above floor level, will avoid any harmful overlooking as a result of the development.

- 5.1.2 **The parking arrangement proposed in the application does not provide space for cars to turn around on the premises, unlike the adjacent properties. This means that the future residents will either need to reverse in to the property or out of the property. At peak times, there is extremely heavy traffic on Athelstan Road, which is very steep at this point. Reversing a car into or out of the parking specified in the plans in heavy traffic could be dangerous. It would likely cause other drivers to have to slow to a stop as they are approaching the top of the hill where there is a mini-roundabout, and perform an additional hill start on this busy and steep stretch of the road causing additional engine noise and poor traffic flow.**

Response:

The application has been amended since submission to propose the same parking arrangements as the previously approved scheme (Ref. 15/01346/FUL). The proposal now, therefore, comprises the creation of a raised parking area at the same level as the adjoining public footway for one car which is fairly centrally positioned in the plot so as to maximise visibility from the access.

The Council's adopted Parking Standards SPD permits a maximum of 3 car parking spaces to serve a four-bedroom property. The application site lies within 500 metres of Bitterne District Centre, which provides a range of shops and services, and the high accessibility bus corridor. As such, the provision of one car parking space is considered to be acceptable and also maximises visibility from the site access. In light of the above, and the approval of an identical access under application reference 15/01346/FUL (which could still be implemented), Highways have raised no objection and the proposal is again

considered to be acceptable in this respect.

- 5.1.3 **The site currently harbours dense foliage which is beneficial for local Bee, frog, hedgehog, and slow worm populations, sited in the land. The proposed application will have a negative impact on garden wildlife, with a reduced garden size.**

Response:

As stated in the consultation response from SCC Ecology, the site has the potential to support low numbers of slow worms but overall has a negligible value to biodiversity. Appropriate landscaping of the garden area has been proposed which will allow the site to continue to support a slow worm population. In line with the response, a condition to secure a method statement for site clearance and landscaping details will be applied.

- 5.1.4 **The site is located on a steep hill adjoining a busy mini roundabout, any manoeuvre on or off the proposed drive will be a dangerous hazard. Cars coming off the roundabout have poor visibility down the hill and will pick up momentum quickly due to the steepness of said hill. Any driveway this close to such a junction, would typically require capacity for safe turning of the car onsite.**

Response:

The application proposes the creation of a raised parking area at the same level as the adjoining public footway. As the parking area is designed for one car and positioned fairly centrally on the plot the visibility of the access is increased and therefore deemed to be acceptable given the location of the site and the proximity of the junction. In light of the above, and the approval of an identical access under application reference 15/01346/FUL, SCC Highways have raised no objection and the proposal.

- 5.1.5 **Due to the location of the site (at the top of a steep hill on a busy junction) building works requiring large vehicles and delivery of materials etc, are likely to require road closures / traffic restrictions to ensure road safety during construction.**

Response:

A condition will be applied for submission of a Construction Management Plan to be agreed in writing by the Local Planning Authority prior to commencement of the works. This will allow the council to give proper consideration to matters of deliveries, noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary.

- 5.1.6 **The application makes reference to 'no trees' however there are a number of trees in the rear garden area, and 3 significantly established shrubs (and other plants) which will be supporting effective drainage and stability of the land (which is on a steep hill). Removal of these may risk further subsidence to 159.**

Response:

There are no protected trees on the site.

- 5.1.7 **The proposal does not describe the erection of a retaining wall, which will be a required element for safe building of a property on this site: the building of which will impact the boundary of the site and in building this, may impact on the garden and foundations of 159/161 (should the land**

subside). Any excavation and removal of earth from the site to build the extensive foundations required for a hill-site will put the structural safety of the buildings of 159 and 161 at risk.

Response:

The site is not situated in an area of known land instability. That said, because the application proposes a retaining wall adjacent to the highway, Technical Approval and the appropriate license from the Highways Authority will be required before any works commence. In addition, a condition will be applied to the consent in order to require a Land Stability Report to be submitted detailing the full extent of site clearance and preparation works to be approved by the Local Authority prior to commencement in order to ensure the protection of land stability in the locality.

- 5.1.8 **The proposed dwelling of 4 bedrooms is an over-development of the site and does not meet local sustainable affordable housing requirements for the city. The garden will be disproportionately small compared to the size of the property.**

Response:

In the case of the current application but with respect to approval of the detached 3-bed dwelling under application 15/01346/FUL, one additional bedroom at the property is not judged to present a significant intensification of the use to the detriment of the character of the area, the residential amenity of the future occupiers or the amenity of the neighbouring residents. The proposed garden space of 75sqm is judged to be a reasonable size suitable for a 4-bed family dwelling, the size of the dwelling, and respectful of the character of surrounding area in which properties are both set back from the road with front gardens/parking and private gardens to the rear.

5.2 Consultation Responses

- 5.2.1 **SCC Highways** - No objection following amendment of parking arrangement to match that approved under application reference 15/01346/FUL.
- 5.2.2 **SCC Sustainability Team** – Suggest conditions to secure energy and water efficiency in the dwelling.
- 5.2.3 **SCC Ecology** - No objection. Although the site has the potential to support low numbers of slow worms, it is of negligible value to biodiversity. Appropriate landscaping of the garden area to the proposed dwelling could ensure that the site could continue to support a slow worm population. Suggests a condition to secure a method statement for site clearance and landscaping details.
- 5.2.4 **Southern Water** – No objection raised. However, a formal application for connection to the public sewerage system is required in order to service this development.

6.0 Planning Consideration Key Issues

- 6.1 Planning permission was granted in 2015 for the construction of a two-storey, 3-bed house (reference 15/01346/FUL). This application proposes the following amendments to that permission:
- Reduction of the rear garden by approximately 8sqm in order to square off the rear of the property and provide addition living accommodation internally.
 - An increase of 1 bedroom to make the property a 4-bed detached dwelling.
 - Incorporation of additional planting, particularly to the front of the property.

- Alteration of the roof design to fully pitch the roof and installation of roof lights to serve the master bedroom, ensuite and dressing room.
- The building's eaves height remains as approved but the ridge height is increased from 8.45m to 9.6m (17.7m Above Ordnance Datum)

The main issues to consider in this case are:

- i. The principle of development;
- ii. The impact on living conditions;
- iii. Design and the impact on the character and appearance of the area;
- iv. Highways and parking;
- v. Land stability and;
- vi. Impact on protected habitats.

6.2 Principle of Development

6.2.1 The application would make good use of a vacant and under-used piece of land to provide housing and the application would provide a generously sized family home, for which there is an identified need in the city. The resultant residential density is 50 dwellings per hectare, which is at the lower end of the range specified in policy CS5 (ie.50-100dph) of the Core Strategy for Medium Accessibility locations such as this. The principle of development is, therefore, acceptable and was also supported in 2015. The creation of a genuine family dwelling is also supported.

6.3 Impact on Living Conditions

6.3.1 Due to the change in land levels, the eaves height of the proposed dwelling would be just over a metre taller than a 2 metre high boundary treatment between the site and the neighbouring properties in Peartree Avenue. Furthermore, the roof of the dwelling would pitch away from this boundary minimising the impact on the neighbouring houses and gardens.

6.3.2 The dwelling is designed to avoid direct overlooking of the neighbouring houses and gardens on Peartree Avenue with an absence of habitable room windows to the side elevations of the dwelling. It is also noted that the rooflights will be set at 1.7m from floor level in order to eliminate any harmful overlooking.

6.3.3 Whilst the proposed house would project further to the rear than the neighbouring property at 153 Athelstan Road, the deeper section of building is positioned away from the boundary with this property, ensuring that the neighbour retains an acceptable level of outlook from, and sunlight to, the rear of their property.

6.3.4 The quality of accommodation proposed is also considered to provide an acceptable residential environment for prospective occupants of the proposed dwelling. Despite the change in levels across the site, outlook from all habitable rooms would be good and the quality and quantity of the private amenity space is considered to be appropriate. Moreover, the additional bedroom proposed, beyond the 3 previously approved, will be located in the roof space. As such, the other 3 bedrooms will not need to be reduced in size and the proposal will continue to present a quality living accommodation with suitable space and facilities for future occupiers.

6.4 Design and Impact on the Character and Appearance of the Area

6.4.1 As set out in **Appendix 2** of this report, the previous refusal of permission (Ref.

14/02023/FUL) cited harm to the character of the area due to the design and cramped nature of the development. The amended 2015 scheme (Ref. 15/01346/FUL) then presented a reduction in the footprint of the building of approximately 30 sqm, thus improving the quantity of the rear garden area and the sense of space around the dwelling. In the current application, the footprint of the dwelling is increased slightly, therefore taking away 8sqm of rear garden space however, this is judged to have a negligible impact upon the character and appearance of the area and is still considered to provide a suitable amount of private amenity space for future occupants.

6.4.2 The earlier approved scheme also included a hipped roof with flat roof section which, though not overly harmful, did not strictly match the hipped roofs displayed elsewhere on Athelstan Road. In order to provide an additional bedroom in the roof space with adequate headroom this element has been omitted and replaced with a full hipped roof to match others on the road. The current proposal is therefore judged to present an improvement in the design and appearance of the proposed dwelling. It is also noted that, despite the slight increase in footprint, the form and massing of the dwelling combined with the relationship to its plot is still reflective of the typical pattern of development within Athelstan Road and with the amended roof style and the incorporation of the double height bay to the front, the dwelling would fit comfortably within the established street scene.

6.5 Highways and Parking

6.5.1 The previous application (ref. 15/01346/FUL) detailed a parking space for one car to the front of the property accessed from Athelstan Road. However, the current proposal originally submitted an alternative parking layout to incorporate two spaces on-site. Following comments that the new layout could not be supported due to issues of visibility, SCC Highways suggested that the plans were revised to mimic that approved under the previous permission. In light of these comments, the plans were amended to match that approved under planning permission reference 15/01346/FUL. SCC Highways have now confirmed they raise no objection with the amended parking layout.

6.5.2 To summarise, the application makes provision for the parking of one vehicle on the site. It is noted that reducing the parking on-site from two spaces to one space strikes a balance between providing some parking for the occupants of the dwelling and maximising visibility from the access thus increasing highway safety. Moreover, since the site lies within 500 metres of Bitterne District Centre and the high accessibility bus corridor, the level of parking is considered to be appropriate in terms of encouraging more sustainable modes of travel other than the private car.

6.6 Land Stability

6.6.1 The application site does not lie within an area of known land instability and provides a thorough plan of the proposed works to even out the site levels. As such, and in line with the most recent consent, a condition will be required for submission of a Land Stability Report detailing the full extent of site clearance and preparation works to be approved by the Local Authority prior to commencement. It is judged that the scheme will ensure that the land stability in the locality is protected. In addition, Building Regulations and the Technical Approval process will ensure that the development can be constructed without resulting in land instability that would undermine property, infrastructure or the public.

6.7 Impact on Protected Habitats

- 6.7.1 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. Once payment has been made this application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). A delegation is sought to secure this.

7.0 Summary

- 7.1 The proposed development is considered to be in keeping with the site and surrounds and would not have a harmful impact on the living conditions of nearby residential occupiers. Moreover, the provision of 4 bedrooms (one more than previous approved) is not judged to be over intensification of the site and the 8sqm decrease in garden space in comparison to the previously approved scheme (Ref. 15/01346/FUL) will have a negligible impact upon occupants of the proposed dwelling, whilst still complying with RDG standards. The proposal is therefore, considered to be acceptable.

8.0 Conclusion

- 8.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with the Council's current policies and guidance and, therefore, is recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a), 9 (a) and (b)

AT for 20/02/18 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition

The development 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 - Land Stability Report Submission [Pre-Commencement Condition]

Before the commencement of the development hereby approved, including site clearance and preparation works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. a full investigation and survey of site ground conditions
2. a full assessment of on-site land stability problems
3. a full appraisal of off-site land stability and land slippage and transfer issues that could result from the development
4. a full assessment of the impact of construction works on the stability of adjacent highways together with suitable mitigation solution measures to counter any issues identified and an implementation programme for the employment of such mitigation measures which shall be agreed in writing by the Local Planning Authority.

The development shall thereafter proceed in accordance with the agreed details.

Reason:

To ensure that the works are in full accordance with the need to protect the land stability of the locality.

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 until a schedule of external materials and finishes, including samples where necessary, has been submitted to and approved in writing by the Local Planning Authority. 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. 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.

04. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan

[Pre-Commencement Condition]

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. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- 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. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) 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

05. APPROVAL CONDITION - Slow Worm Method Statement [pre-commencement condition]

No development, including site clearance and preparation, shall take place until a method statement, detailing how slow worms will be protected during development, is submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed method statement.

Reason:

To ensure that slow worms, which are a protected species, are fully safeguarded from harm during site clearance and development.

06. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

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,

Class B (roof alteration),

Class C (other alteration to the roof),

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the residential amenity and the visual amenities of the area.

07. APPROVAL CONDITION - No other windows or doors other than approved
(Performance Condition)

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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

08. APPROVAL CONDITION – Obscure Glazing [Performance Condition]

All windows in the side elevations, located at first floor level and above, of the development hereby approved, shall be obscure glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason:

To protect the amenity and privacy of the adjoining property.

09. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwelling.

Reason:

To ensure the provision of adequate amenity space in association with the development.

10. APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

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 Adopted Core Strategy (Amended 2015).

11. APPROVAL CONDITION - Energy & Water [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 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 Adopted Core Strategy (Amended 2015).

12. APPROVAL CONDITION - Surface / foul water drainage (Pre-commencement)

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

Reason: To ensure satisfactory drainage provision for the area.

13. APPROVAL CONDITION - Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied 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 at least 8 weeks prior to occupation of the development to discuss requirements.

14. APPROVAL CONDITION - Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

15. APPROVAL CONDITION - Hours of work for Clearance and 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.

16. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary and shall include details of parking by site operatives/personnel with details of how deliveries will be managed. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties and ensure highways safety is maintained.

17. 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.

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
CS21	Protecting and Enhancing Open Space
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
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H7	The Residential Environment
TI2	Vehicular Access

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)

Relevant Planning History

881276/E **Conditionally Approved 31.08.1988**
Erection of a detached dwelling and construction of new access

882104/E **Conditionally Approved 24.10.1988**
Erection of a 3-bedroom detached dwelling and construction of a new access

941026/E **Conditionally Approved 04.10.94**
Erection of a 3-bedroom detached dwelling with integral garage

02/01636/FUL **Refused 01.04.03**
Erection of a detached property with integral garage

For the following reasons:

01. The proposal would result in vehicles either reversing onto or off the site onto Athelstan Road, a classified road to the detriment of the safety and convenience of other highway users. The proposal is therefore contrary to the provisions of policies GP1 (x), GP1 (xiii), (xiv) and T2 of the City of Southampton Local Plan (1991-2001) and policy SDP 1 and TI 3 of the City Local Plan Review Second Deposit Version (February 2003).

02. The application is in respect of land which is potentially unstable and the applicants have not demonstrated that the proposals would not result be affected by instability originating outside of the application site boundaries.

03. Inadequate visibility splays are provided at the junction of the access with the highway and this would cause danger and inconvenience to users of the adjoining highway. The proposed is thereby contrary to Policy GP1 (xiii), (xiv) of the City of Southampton Local Plan and Policy SDP3 of the City of Southampton Local Plan Second Deposit Version (February 2003).

04. The proposed raised terrace area would result in an unneighbourly form of development leading to a loss of amenity and privacy for the adjoining residents at 153 Athelstan Road. The proposal is thereby contrary to policies GP1 (i) of The City of Southampton Local Plan and policies SDP1 and SDP7 of the City of Southampton Local Plan Second Deposit Version (February 2003).

05/01620/FUL **Refused 11.01.06**
Erection of detached dwelling.

For the following reasons:

01. The proposed dwelling, by reason of its height, scale, plot coverage and design would be out of keeping with the established pattern of development in the immediate vicinity of the site and would be detrimental to the character of the area and the amenities of adjacent occupiers. The proposal is therefore contrary to Policy GP1 and H12 of the City of Southampton Local Plan (1991-2001) and Policies SDP1, SDP7 and H10 of the City of Southampton Local Plan Review - Revised Deposit Version Feb 2003.

02. The proposed dwelling provides insufficient private amenity space for future occupiers of a 6 bedroomed detached dwelling contrary to the requirements of Policy H12 of the City of Southampton Local Plan (1991-2001) Policy H10 of the City of Southampton Local Plan

Review - Revised Deposit Version Feb 2003 and Supplementary Planning Guidance set out in the Residential Standards Development Control Brief 1989.

03. The application is in respect of land which is potentially unstable and the applicants have not demonstrated that the proposal would not result in or be affected by instability originating outside of the application site boundaries. The proposal is contrary to the requirements of Policy SDP23 of the City of Southampton Local Plan Review - Revised Deposit Version Feb 2003 and guidance set out in PPG.14.

04. The proposal would result in direct overlooking of adjacent garden areas resulting in loss of privacy to the harm of amenities currently enjoyed by adjacent occupiers. The proposals are therefore contrary to the requirements Policy GP1 (i) of the City of Southampton Local Plan (1991-2001) and Policy SDP1 (i) of the City of Southampton Local Plan Review - Revised Deposit Version Feb 2003.

05. Notwithstanding the above, the applicant has not indicated the gradient of the access from the highway to the property and has therefore failed to demonstrate that the access arrangements for all users are safe and convenient as required by SDP4 of the City of Southampton Local Plan Review - Revised Deposit Version Feb 2003.

06. The applicant has failed to demonstrate that adequate visibility splays can be achieved for vehicles leaving the site. Given the proximity of the site across to the mini-roundabout at the junction of Athelstan Road and Peartree Avenue and the steep gradient of Athelstan Road, sub-standard visibility splays would prejudice highway safety contrary to Policies GP1 (xiii) and GP1 (xiv) of the City of Southampton Local Plan (1991-2001) and Policy SDP3 of the City of Southampton Local Plan Review - Revised Deposit Version Feb 2003.

14/02023/FUL

Refused 20.02.15

Erection of a 2-storey, 3-bed detached house with associated parking and formation of new vehicular access

For the following reasons:

01. Out of character

The proposal, by reason of the design, plot size and site coverage would represent a cramped form of development which would be out of keeping with the established context and character of the surrounding area contrary to saved Policy SDP9(i) of the City of Southampton Local Plan Review (Adopted March 2006).

02. Highway Safety

The applicant has failed to demonstrate that adequate sightlines can be achieved for vehicles leaving the site. Given the proximity of the site access to the mini-roundabout at the junction of Athelstan Road and Peartree Avenue, the levels of the site and the steep gradient of Athelstan Road, sub-standard sightlines would be detrimental to highway safety. As such the proposal would be contrary to saved Policy SDP1 (i) of the adopted City of Southampton Local Plan Review (2006).

03. Land Stability

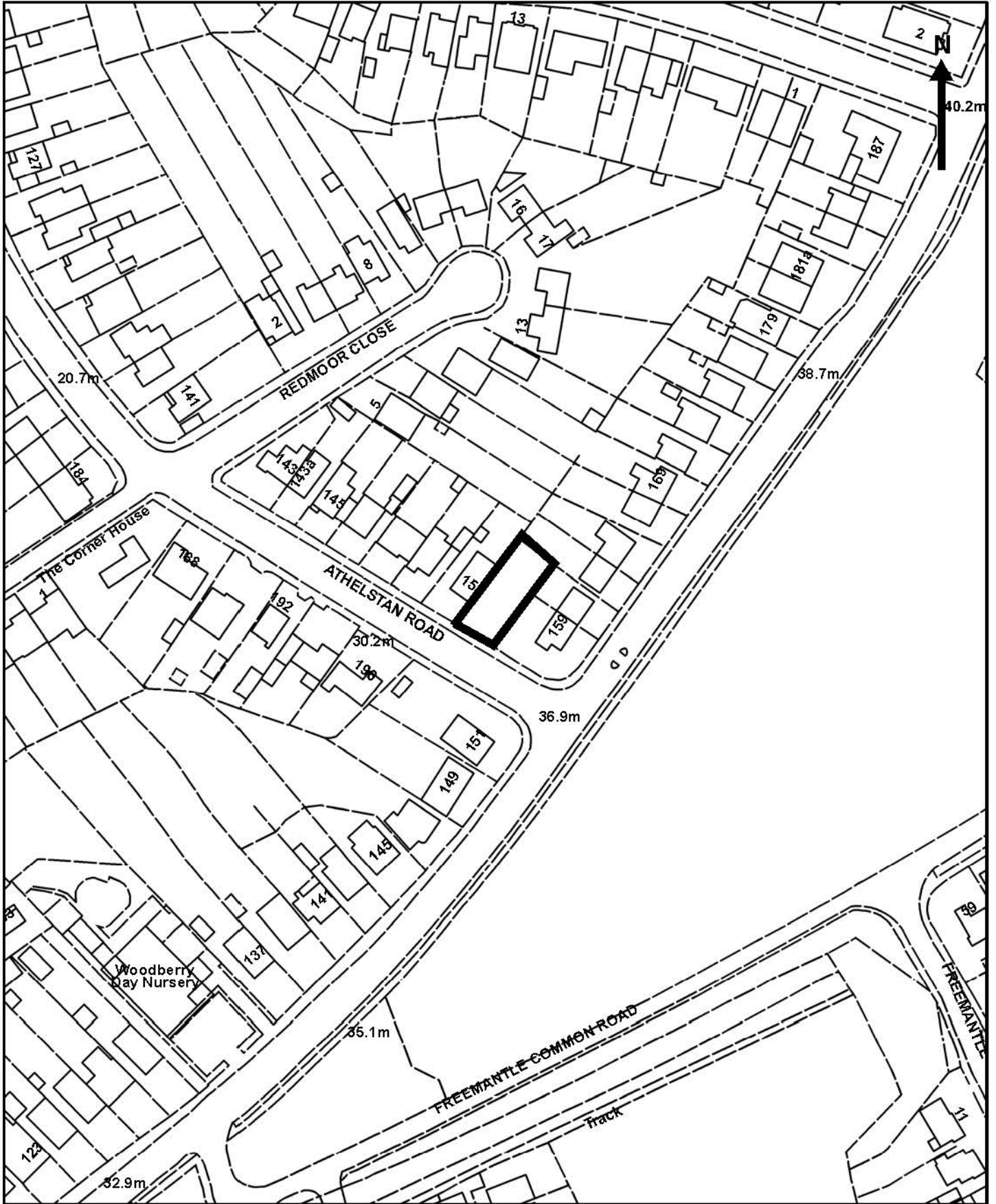
The application site is in an area of potentially unstable land and the applicants have not provided any information to demonstrate that land stability issues can be adequately addressed. Consequently, the proposal would be contrary to the requirements of Policy SDP23 of the City of Southampton Local Plan Review (March 2006) and the advice in the National Planning Practice Guidance (March 2014).

04. Lack of Section 106 or unilateral undertaking to secure planning obligations. In the absence of 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.

15/01346/FUL

Conditionally Approved 14.08.15

Erection of a 2-storey, 3-bed detached house with associated parking and formation of new vehicular access (resubmission)



Scale: 1:1,250

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