

Planning and Rights of Way Panel

Tuesday, 4th August, 2020
at 6.00 pm

PLEASE NOTE TIME OF MEETING

This will be a 'virtual meeting', a link to which will be available on Southampton City Council's website at least 24hrs before the meeting

Virtual Meetings - Virtual meeting

This meeting is open to the public

Members

Councillor Mitchell (Chair)
Councillor Coombs (Vice-Chair)
Councillor L Harris
Councillor Prior
Councillor Savage
Councillor Vaughan
Councillor Windle

Contacts

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Interim Head of Planning and Economic
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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.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Dates of Meetings: Municipal Year 2020/2021

2020	
2 June	9 September
23 June	15 September
14 July	6 October
4 August	3 November
25 August	24 November
	15 December

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.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

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.

2021	
12 January	16 March
2 February	20 April
23 February	

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 14 July 2020 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 20/00749/TCC - WEST END ROAD (Pages 9 - 24)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 20/00499/FUL **52 BASSETT CRESCENT EAST** (Pages 25 - 38)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

Monday, 27 July 2020

Service Director – Legal and Business Operations

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 14 JULY 2020

Present: Councillors Mitchell (Chair), Coombs (Vice-Chair), L Harris, Prior, Savage, Vaughan and Windle

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

RESOLVED: that the minutes for the Panel meeting on 23 June 2020 be approved and signed as a correct record.

11. **PLANNING APPLICATION -20/00550/FUL - 111 ALMA RD**

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

Erection of part single and two-storey rear extensions and roof alterations with dormers to front and rear to allow conversion of existing dwelling to 1 x three bedroom and 5 x one bedroom apartments with associated works (amendment of 19/02122/FUL).

Simon Fitzjohn (local residents/ objecting), Amrik Chahal (agent), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an error within the report and gave a clarification on wording of paragraph 2.3 of report; 'Flat 2 is a 1 bed flat'. The Panel questioned the refuse arrangements and asked that the wording to condition 7 be amended as set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

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

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer

- c. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2017.
- (iii) That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

AMENDED CONDITION

2. Amended Conditions :

Condition 7 - Refuse & Recycling (Pre-Occupation)

Prior to the occupation of the development, details of storage for refuse and recycling, together with the access to it *and a management plan setting out the method of moving the bins on collection day to a designated temporary collection point or an agreement in writing with the Local Authority refuse collection team to enter the site to collect the bins*, shall be submitted to and approved in writing by the Local Planning Authority. The storage and management plan 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 outside the storage area 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.

12. PLANNING APPLICATION - 19/01772/FUL - 6A QUAYSIDE BUSINESS PARK

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

Change of use to music teaching studio (class D1) (retrospective)

The presenting officer reported that the conditions relating to the hours of operation and cycle storage needed to be amended as set out below. The

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

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below.

AMENDED CONDITIONS

Hours of Use & Delivery

The commercial use hereby permitted shall not operate outside the following hours:

Monday to Fridays	13:30 to 20:00 hours
Saturdays	08:45 to 17:00 hours
Sunday and recognised public holidays	10:00 to 14:00 hours

No deliveries shall be taken or despatched from the use outside of the hours of 08:00 to 20:00 daily.

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

Cycle storage facilities

Within three months of the development hereby approved, secure 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.

13. **PLANNING APPLICATION - 20/00269/FUL - 158 ATHELSTAN ROAD**

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

Raised deck to rear and first floor extension and side dormer window to facilitate loft conversion - scheme amended since validation.

Mr G Brotherton and Ms J Turner (applicants), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the requirement for an amendment to condition, as set below, in regard to privacy screens.

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

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below.

AMENDED CONDITIONS

Privacy Screens

The 1.7m high privacy screens shown on the amended deck shall comprise of obscure glazing or a close board fence and shall be installed to the northern and southern sides of the approved decking, as shown on the amended plans, prior to the first use of the decking hereby approved. Once installed, the privacy screens shall thereafter be retained and maintained as such at all times.

REASON: To prevent overlooking & loss of privacy to neighbouring property

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 04.08.2020 - 6pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	RS	CAP	15	20/00749/TCC West End Road
6	MP/AG	CAP	5	20/00499/FUL 52 Bassett Crescent East

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:

RS – Rob Sims

MP – Mat Pidgeon

AG – Andy Gregory

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

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 3 2011-2031
 - (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 (revised 2016)
- (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) Cycling Strategy – Cycling Southampton 2017-2027
- (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) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (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 4th August 2020
Planning Application Report of the Head of Planning & Economic Development**

Application address: Telecommunications Equipment adjacent land On The Northern side of West End Road (outside of Petrol Filling Station) West End Road Southampton			
Proposed development: Installation of a 18 metre high monopole supporting 6 x antennas, 2 no. transmission dishes and 4 x equipment cabinets and ancillary works to facilitate 5G network – <i>prior approval sought for siting and appearance</i>			
Application number:	20/00749/TCC	Application type:	Prior Approval – Telecommunications
Case officer:	Rob Sims	Public speaking time:	15 minutes
Last date for determination:	7 th August 2020 ETA Agreed	Ward:	Harefield
Reason for Panel Referral:	Referred by the Head of Planning & Economic Development due to wider public interest Five or more letters of objection have been received	Ward Councillors:	Cllr Laurent Cllr Baillie Cllr Fitzhenry
Referred to Panel by:	Head of Planning and Economic Development	Reason:	Public Interest
Applicant: Hutchison 3G UK Ltd		Agent: Sinclair Dalby Limited	

Recommendation Summary	Prior approval required and approved subject to conditions
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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 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 39-42 and 46 of the National Planning Policy Framework (2019). Policies SDP 1, SDP9 and TI5 of the the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and the guidance contained within the National Planning Policy Framework 2019.

Appendix attached

1	Development Plan Policies	2	Relevant Planning History
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Recommendation in Full

Prior Approval is REQUIRED and APPROVED subject to the conditions stated.

1. The site and its context

- 1.1 The application site relates to the Esso/Tesco filling station to the north of West End Road in Harefield. The area comprises of a mix of residential and commercial properties.
- 1.2 The petrol filling station has an in-and-out access and lies between No. 147 and 155 West End Road. The Tesco shop is sited back from the road and the pumps are covered with a canopy extending to 6.5m high. Alongside the public pavement is a 7.0m high totem sign for the petrol station. The application proposals would be sited in between the ‘in and out’ access, on the public pavement in front of the existing totem sign.

2. Proposal

- 2.1 The development involves the installation of an 18 metre high monopole on the pavement immediately outside the petrol filling station. The pole would support 6 no. antennas. The three uppermost antennas provide 5G coverage, and the lower set of 3 antennas would provide 3G and 4G coverage. The pole would also support 2 no. transmission dishes below the antennas. These are required to link the site into the wider network.
- 2.2 The Panel will note that telecom masts of this size do not require planning permission, as the industry benefits from certain ‘permitted development’ rights. Instead, the approval of the Council is required prior to its installation for its ‘siting and appearance’ and these are the main considerations in this case.
- 2.3 4 no. equipment cabinets are also proposed at ground level adjacent to the pole which would have the following dimensions
 Commscope Bowler Cabinet: 1.9m (width) x 0.6m (depth) x 1.75m (height)
 Huawei Cabinet: 0.6m x 0.6m x 1.2m
 Commscope Batsman Cabinet: 0.6m x 0.5m x 1.58m
 Wrap around cabinet: 2.0m x 0.7m x 1.54m

Both the monopole and the equipment cabinets would be a steel grey colour.

- 2.4 The application originally proposed a 20m high monopole. However amendments were secured to reduce the height to 18m in order to lessen the visual impact of the development. The description of the proposal has been amended accordingly.

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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 There are no existing telecommunications masts or equipment within the immediate area with notable planning history.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners and erecting a site notice (19th June 2020). At the time of writing the report **68 letters of objection and 2 letters of support** have been received from surrounding residents. The following is a summary of the points raised:

5.2 Third Party Comments / Concerns Officer Response

The introduction of untested 5G technology would result in serious health concerns. The Council should not permit such technology until an independent review of their health implications has been conducted.

The application contains a declaration confirming the apparatus is in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection.

Residential Amenity

- Loss of light
- Overshadowing
- Eyesore and Poor Design
- Impact on road safety
- Development in the wrong location and other sites more suitable

Impact on neighbour amenity, visual amenity (including siting, appearance and alternative sites), and highway safety will be considered in Section 6.0 below

Loss of trees

- Loss of wildlife
- Loss of view and property values

No trees are to be removed to facilitate the development
The Local planning authority is unable to take account in this process concerns over wildlife, property values

Mobile mast next to petrol station is hazardous and dangerous

The impact of the development on public health should not be afforded weight in the determination of this application and there are others examples across the City of masts alongside petrol filling stations

Development is not needed

The need for the development is not a material planning consideration

Application for developer profit only

This is not a material planning consideration

Development would impact on historic significance of the village

The site does not lie within a Conservation Area or affect a Listed Building

Impact on Human Rights

Impact on human rights is considered in Section 6.0 below

Inadequate public consultation has been carried out, especially during lockdown

A total of 28 neighbouring properties were notified of the development by letter. In addition, a Site Notice was posted outside the site on 19th June 2020. The Council has therefore carried out its statutory requirement for notifying the public on new planning applications.

Consultation Responses

5.4

Consultee	Comments
Archaeology	<p>20/00749/TCC Telecommunications Equipment, West End Road, Southampton</p> <p>The site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. However on current evidence and given the relatively small scale of the development, I do not require any archaeological conditions to be attached to the planning consent.</p>
Environmental Health/HMO Team	<p>We have no objections to make concerning this proposed development.</p>
SCC Highways	<p>No Objection</p> <p>Obstruction to footway: The plan does show that with the equipment in place, there would be a small stretch of footway with a pinchpoint at approx. 1.8m wide. Pinchpoints like this could be considered acceptable if it is for short distances as the general standard width should be 2m (which is not far off).</p> <p>Furthermore, there appears to be some space (albeit tiny) for these equipment to be moved right up to the back edge of footway. So I wondered if we could get these revised so we can maximise as much footway left as possible. Conditions should also be used to ensure that the remaining space is minimum 1.8m (2m would be ideal if we can achieve the further set back) in case plans do not show the exact dimensions effectively.</p> <p>Sightlines: A more formal plan would be useful to clarify this but from measuring on the location plan, it would appear that the sightline is ok due to</p>

	<p>the wider footway widths here (43m sightline)</p> <p>Officer's Comment: Amendments have been sought and an update will be given at the Panel meeting</p>
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6.0 Planning Consideration Key Issues

6.1 Background

6.1.1 The applicant Hutchison 3G UK Ltd (H3G) are licensed operators of an electronic communications network in accordance with the Communications Act 2003. H3G (UK) Ltd benefits from permitted development rights for this development as set out under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Under paragraph A.3.(3) of Part 16, the applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the **siting and appearance** of the development. These are the only matters that can be considered by the Local Planning Authority when assessing this application

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

- Principle of the Development
- Siting of the Development
- Impact on the character and appearance of the area;
- Impact on Residential amenity;
- Impact on Highway Safety
- Other Matters, including health impacts and Huawei operations

6.2 Principle of the Development

6.2.1 The principle of development can be supported given the government's policy to support the expansion of electronic communications networks whereby:

Paragraph 112 of the NPPF states that "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections".

Paragraph 113 of the NPPF states that: "The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic

communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”

Paragraph 116 states that “Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”.

6.2.2 Furthermore, saved policy T15 of the Local Plan sets out that the Council will permit proposals for telecommunications infrastructure subject to the acceptability of the design and visual impact, and encourages the use of existing sites wherever practicable.

6.3 Siting of the development

6.3.1 According to the applicant, with ‘...all 5G infill development this is an extremely constrained cell search area. Moving too far from the optimum cell centre will then potentially interfere with adjoining cells. Options are extremely limited and the only viable solution that minimises amenity issues has been put forward. The chosen location is the only site not immediately outside of residential properties.’

6.3.2 The ‘cell centre’ is based on West End and is located close to the junction of West End Road and Wynter Road. A plan is provided with the application and will form part of the officer’s presentation to Panel. Five alternative sites have been considered prior to the application site being put forward.

6.3.3 1) Grass verge outside Oakwood Care Home, 192 West End Road
This was discounted as the development would be located outside of a residential building and the neighbouring trees are too tall which would not allow a signal to propagate effectively

2) Shrubland Close amenity area (to the north of the application site)
This was discounted as it would be located too close to residential properties

3) Flats at junction of Hatley Road and West End Road
This is the most substantial building in the area. It is not available as its pitched roof design is not suitable to accommodate the required equipment

4) Co-op, West End Road
This was discounted as it was located too far West and out of search area

5) Roundabout to the west of West End Road (and 100m further west of the application site)
This is not isn’t suitable as it would be too close to an adjacent cell. It would only provide coverage to approximately half of the target area.

6.3.4 The chosen site outside the petrol filling is located approximately 160m to the west of the cell centre, which is outside of the 100m cell catchment usually favoured by electronic communications operators. The specific siting has been chosen by the applicant to ensure it is set amongst the backdrop of the filling station, the fuel pump canopy and the existing totem sign, as well as existing street furniture in the area and buildings. Within the cell catchment, the filling station is the only area of commercial activity which assists in absorbing the visual impacts of the development.

6.3.5 It is acknowledged that the cell catchment is limited and is sited amongst a number of residential properties, where the visual impacts of the development are sensitive. However, having reviewed the alternative sites put forward by the applicant, and reviewed the context, it is agreed that the chosen site outside the petrol filling station represents the most sensitive location within the catchment. The 18m high monopole and equipment cabinets would be located amongst existing commercial development which includes the totem, signage and forecourt canopy, and represents the most appropriate siting for the development for the cell catchment area.

6.4 Impact on the character and appearance of the area

6.4.1 Following amendments the development involves the installation of an 18 metre high monopole on the pavement immediately outside the petrol filling station. The pole would support 6 no. antennas. The three uppermost antennas provide 5G coverage, and the lower set of 3 antennas would provide 3G and 4G coverage. The pole would also support 2 no. transmission dishes below the antennas.

6.4.2 The applicant states that the proposed height of 18m is ‘...necessary as the site is proposed to provide 5G services and 5G uses higher frequencies which do not propagate through material and potential obstructions as well as lower frequencies, thus there is a need to ensure that the antennas clear local clutter, in particular the trees in the area. In addition, there are two sets of antennas proposed in a stacked formation, and the height of the pole is also needed to ensure the lower antennas propagate effectively to the whole of the target area.’

6.4.3 Whilst the need for the development cannot be disputed – see NPPF reference above - it is clear that the siting of the development and height at 18 metres, would result in a visual presence along West End Road. In addition, it would be notably taller than the forecourt canopy (6.5m) and the adjacent totem sign for the filling station (7.0m). However, the development would be located amongst the only other commercial development within the area and has been purposefully chosen to be absorbed with the existing commercial clutter along West End Road. Whilst it would result in a notable presence within the street scene, in combination with its appropriate siting, it is not considered that the development would result in an incongruous or significantly harmful addition which would be detrimental to the visual

amenities of the area.

6.4.4 The benefits of the proposal also have to be considered. New 5G, and enhanced 3G and 4G coverage would be provided to the surrounding area for H3G from the development and it is considered there are significant public benefits of the proposal which outweigh the visual impacts of the development. On this basis the appearance of the proposed development is also considered to be acceptable.

6.4 Residential amenity

6.4.1 The site is located between the residential properties No. 147 and 155 West End Road and is at an oblique angle to both properties. Whilst these properties are located approximately 20m from the mast, it is not considered that the mast would result in any direct loss of outlook or overshadowing to these neighbouring properties.

6.4.2 To the rear of the site is the Tesco petrol station shop and beyond that are the rear gardens and residential properties at Moorlands Crescent. The rear elevations and windows are located approximately 50m from the new monopole. This distance is considered sufficient to avoid a significant loss of outlook from the rear windows of these properties and would not result in any significant overshadowing of the windows or rear gardens given the thin profile of the mast and antennas.

6.4.3 To the south side of West End Road and opposite the application site are No. 146 – 154 West End Road. They are located approximately 20m from the proposed monopole and antenna. Due to the siting of the telecommunications equipment amongst other commercial development it is not considered that the proposed development would result in a significant loss of outlook from the front aspect of these neighbouring windows. Furthermore the proposed development being located to the north of these properties would not result in any significant loss of light or overshadowing to these properties. On this basis the proposals are considered to be acceptable in terms of its impacts on neighbouring properties and their amenity.

6.5 Impact on Highway Safety

6.5.1 Concerns have been raised by third parties that the new cabinets and monopole will reduce the width of the pavement and restrict use by wheelchair users and buggies. The proposals would result in a reduction of the pavement to 1.87m between the edge of the cabinets and the existing bollards on the pavement. Figure 6.8 of Manual for Streets (MfS) demonstrates the minimum footway width of 2 metres and refers to Department for Transport (DfT) Inclusive Mobility. Paragraph 3.1 of Inclusive Mobility states that a “clear width of 2000mm (ie. 2 metres) allows two wheelchairs to pass one another comfortably and that where this is not possible due to physical constraints 1500mm could be regarded as the minimum acceptable under most

circumstances, giving sufficient space for a wheelchair user and a walker to pass one another". Whilst the resultant footway width slightly underachieves the required 2.0m width, it is already constrained by the existing bollards, which represents a physical constraint on the footway. The retention of a 1.87m width over a short distance of 5.0m would meet the very minimum requirement of 1.5m for 'inclusive mobility' and on this basis it is not considered that the siting of the proposals could reasonably be refused on this basis. These views are also agreed by the Local Highway Authority.

6.5.2 The proposals introduce new development on the pavement, which has raised concerns from third parties that sightlines will be obscured when exiting the petrol station. Although the cabinets are 1.75m in height, they are set back from the edge of the highway and vehicle visibility splays of 2.4 metres by 43 metres from the exit point to the east would not be impeded by the cabinets. Therefore, the development would ensure sufficient visibility for a car exiting the petrol filling station onto West End Road. The Local Highway Authority have also stated that visibility from this junction would not be impacted upon by the proposals.

6.5.3 The proposals would provide sufficient footway width which would accord with the advice contained within Manual for Streets and the Inclusive Mobility document. The proposal would also provide sufficient visibility for vehicles exiting the petrol filling station on to West End Road. The proposal is therefore considered to comply with the relevant local and national planning policy with regard to highway safety, and Officers consider that there would be no justifiable grounds for refusal in terms of the proposals demonstrating severe harm to highway safety.

6.6 Other Matters

6.6.1 It is entirely understandable that the local community may wish to raise other concerns, in particular the need for the mast and its potential impact on health. The applicant has provided an International Commission on Non-ionizing Radiation (ICNIRP) certificate to support this planning application. This certifies that the proposed development would be in full compliance with the ICNIRP guidelines. The ICNIRP guidelines are the most up-to-date and relevant tool to ascertain the acceptability of telecommunications development within the planning process. Paragraph 116 of the NPPF goes on to state that Local Planning Authorities should not substitute their own "opinion" on health issues for that expressed by ICNIRP. The suggested health risks associated with this development (as raised by the objectors) and the fear and/or stress associated with these perceived risks are outweighed by the reassurances provided by the technical information submitted by the applicant. As such, the proposal is deemed acceptable in terms of health-related issues.

6.6.2 The third party objections also raises the matter the impact of the perceived health effects of the development upon their Human Rights. Article 8 of the

Human Rights Act (HRA) relates to enjoyment by residents of their home life. The grant of planning permission for development which may have sufficiently serious effects on the enjoyment by local residents of their home life may in principle affect Article 8, although such cases are likely to involve extreme facts. In addition, Article 8(2) allows public authorities to interfere with the right to respect the home if it is “in accordance with the law” and “to the extent necessary in a democratic society” in the interest of “the well-being” of the area.

6.6.3 Under S.70 of the 1990 Planning Act, Parliament has entrusted planning authorities with the statutory duty to determine planning applications, and has said (S.70(2)) that in dealing with such an application the authority “shall have regard” to the development plan and to “any other material considerations” which will include HRA issues. The courts have held that a “balance” has to be struck in planning decisions between the rights of the developer and the rights of those affected by the proposed development. This involves the balance between:

- on the one hand the specific interests of the individual objector as documented (see above), and
- on the other hand, the interests of the applicant to obtain the planning permission he has applied for, and lastly
- the interests of the wider community, as expressed in Lough (2004) in the following terms “in an urban setting it must be anticipated that development may take place” and that it “is in the public interest that residential developments take place in urban areas if possible”.

6.6.4 The NPPF is clear that for telecommunications development LPAs should not substitute their own opinion on health matters where a development demonstrates that it is meeting ICNIRP guidelines which are the internationally set guiding principles for such matters. An ICNIRP certificate demonstrating adherence to these guidelines has been submitted by the Applicant as part of the application as required. Officers therefore consider that the development would not conflict with the HRA.

6.6.5 In terms of the Huawei cabinet, the applicants are still considering the implications of the Government announcement to remove all Huawei equipment from the UK by 2027. However the applicant has stated that it is likely that the cabinet will be swapped out with one of a similar size from another Vendor and, therefore, the applicant has requested that the cabinet is retained as part of the current proposals. The end operator is not a matter for this planning decision.

6.6.6 The Local planning authority is similarly unable to take account in this process of concerns over the health of wildlife, and other legislation covers the disturbance of protected species, and property values.

7. **Summary**

- 7.1 Under the “Prior Notification” procedure the Council’s planning decision must be limited to those issues around siting and appearance. A site selection process was carried out and a number of other sites were discounted for a variety of reasons. In view of this and the necessary technical requirements, it is considered that the proposed siting is acceptable.
- 7.2 It is accepted that the siting and height of the mast would be visually prominent within the street scene. Although the height of the mast has been reduced to 18.0m, such a height is needed in order to provide a strong signal. On balance, due to the siting of the development amongst other commercial development and street furniture, it is not considered that the proposal would result in an incongruous or significantly harmful addition to warrant a refusal of the application. Particularly as this has been demonstrated to be the least sensitive location.
- 7.3 Overall, it is considered that that the proposed development complies with both the National Planning Policy Framework and Policy TI5 of the Local Plan and on this basis it is recommended that prior approval is granted

8. Conclusion

- 8.1 Prior approval is required for the siting and appearance of the proposed development and it is recommended that the application is approved.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

RS for 04/08/2020 PROW Panel:

PLANNING CONDITIONS

1) 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.

2) Mast Removal

The mast, antenna and associated equipment hereby permitted shall be permanently removed within one month of it no longer being required for its purpose.

Reason: To enable the Local Planning Authority to review the need for the equipment

Application 20/00749/TCC

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

SDP9 Scale, Massing & Appearance

SDP19 Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone

HE6 Archaeological Remains

TI5 Telecommunications

Other Relevant Guidance

The National Planning Policy Framework (2019)

Relevant Planning History

Case Ref	Proposal	Decision	Date
13/00595/ADV	Replacement signage including internally and externally illuminated fascia signs, an internally illuminated projecting sign, an internally illuminated totem sign and a internally illuminated ATM.	Conditionally Approved	04.06.2013
17/01436/FUL	Replacement of Existing Fuelling Infrastructure, including Tanks, Fills, Pipework, Pumps, Canopy and Vents. Alterations to Car Parking and Pedestrian Access (submitted in conjunction with 17/01437/ADV)	Conditionally Approved	29.11.2017
17/01437/ADV	Installation of various illuminated and non illuminated signs (submitted in conjunction with 17/01436/FUL)	Conditionally Approved	01.12.2017
E01/1649	Reconstruction of service station	Conditionally Approved	06.11.1984
1439/P12	Petrol station etc (includes 153)	Conditionally Approved	13.06.1972



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Agenda Item 6

Planning and Rights of Way Panel 4th August 2020 Planning Application Report of the Service Lead – Infrastructure, Planning & Development

Application address: 52 Bassett Crescent East, Southampton			
Proposed development: Change of use from dwelling (Class C3) to house in multiple occupation (HMO) (Class C4).			
Application number	20/00499/FUL	Application type	FUL
Case officer	Mat Pidgeon	Public speaking time	5 minutes
Last date for determination:	01.07.2020	Ward	Bassett
Reason for Panel Referral:	Five or more letters of objection have been received and Panel referral by ward councillors	Ward Councillors	Cllr B Harris Cllr L Harris Cllr Hannides
Referred to Panel by:	Cllr Hannides & Cllr B Harris	Reason:	Exceeds 10% threshold. Fails to comply with Bassett Neighbourhood Plan, out of character impact on neighbouring amenity, loss of family house.

Applicant: Ms Isobel Austin	Agent: N/A.
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	N/A
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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 39 – 42 and 46 of the National Planning Policy Framework (2019).

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) as supported by the revised HMO SPD (revised 2016).

Appendix attached			
1	Development Plan Policies	2	40m Assessment Summary

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located on the western side of Bassett Crescent East and contains a three-storey, end of terrace dwelling with integral garage. There is an enclosed frontage that is shared with other properties of the terraced row. The frontage includes soft landscaping, refuse storage and car parking areas. The frontage area is enclosed by a wall with railings above and hedging behind. An access path leading to a rear garden of approximately 165sqm is located to the north of the building.
- 1.2 The property is located within a residential area characterised by mostly detached housing within walking distance of the University of Southampton's Highfield Campus. There are no other HMOs in the assessment area. The streets are covered by a residents' parking permit scheme (Zone number 9), where restriction times vary within different parking places including:
8am - 6pm Monday to Friday.
11am – 3pm Monday to Friday.
8am – 6pm Monday to Friday (1st October to 31st May).

2.0 Proposal

- 2.1 Planning permission is sought to change the use from a dwelling to a Class C4 House of Multiple Occupation (HMO) with 5 bedrooms. Car parking onsite for two cars is proposed. One of the spaces would be provided within the integral garage the other would be on the frontage.
- 2.2 There are no external or internal structural changes to the layout of the property proposed, merely the conversion of the existing first floor living room into a bedroom. This leaves a communal kitchen diner and downstairs toilet on the ground floor for use by all tenants. Two bedrooms would have en-suite provision and there is a shared bathroom on the first floor.

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 then was recently revised in February 2019, and replaces the previous set of national planning policy guidance notes and statements. The Council reviewed the Core Strategy when the NPPF first came in to force, 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 relating to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMO 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, and more recently revised in 2016, and provides supplementary planning guidance for policies H4 and 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 revised SPD (2016) sets a city-wide maximum threshold of 10% for the total number of HMOs within a 40m radius from the front door of the application site, or the 10 nearest residential properties (section 6.5 of the HMO SPD refers). This test should be afforded significant weight in the determination of this application.
- 3.5 Furthermore, the Bassett Neighbourhood Plan states (paragraph 12.10): *‘further development of HMOs must comply with Policy BAS 6 and conform to the Local Plan (Policy H4), the Core Strategy (Policy CS16) and the HMO SPD 2012. Further to the noted impacts, it is also necessary to consider that HMOs make an important contribution to housing need and that the ‘balanced and mixed community’ as referred to in Policy BAS 6 (d) should be judged in accordance with the provisions of the adopted HMO SPD and the Local Plan (Policy H4).’*

4.0 Relevant Planning History

- 4.1 There have been no previous applications on this site.

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 whereby adjoining landowners were notified (letters sent 06/05/2020) and a site notice was erected (01/07/2020). It should be noted that the minimum statutory requirement for planning application notification is for either the direct residential neighbours to be notified or a site notice erected and, therefore, the Local Planning Authority have exceeded the statutory requirements by doing both. There was a delay in posting the site notice, but it has now been posted for the required 21 days. Before the site notice was erected 6 representations had been received from surrounding/nearby residents. At the time of writing the report a further 18 representations have been received from surrounding residents. Therefore in total **24 representations** have been received from 20 separate addresses. Further representations have also been received from Ward Cllrs Hannides & B Harris, including a request for a Panel determination. The following is a summary of the points raised:

- 5.2 **Bassett Crescent East is characterised by family homes not HMOs. Not suited to HMOs which cater for people at different stages of their lives.**
Response: The application must be assessed against the Development Plan and principally the HMO SPD. The Planning Considerations of this report provides further commentary.
- 5.3 **There are already too many HMOs in the area, the 10% threshold has been exceeded, to allow more would further unbalance the community.**
Response: It is acknowledged that there are a significant number of HMOs within this area of the city, however within the specific assessment area (40m radius from the front door) the 10% threshold detailed within the HMO SPD will not be exceeded following approval.
- 5.4 **1 The Mayflowers is an HMO and is causing problems in terms of noise and disturbance.**
Response: 1 The Mayflowers is not within the 40m assessment area and so does not need to be considered within the assessment. As each application must be judged on its own merits, and we must plan for reasonable behaviour, it would be unreasonable to refuse this application because of issues with other HMOs.
- 5.5 **Contrary to Policy BAS 6 & section 12 (Development of student accommodation and HMOs) of the Basset Neighbourhood Plan.**
Response: The Bassett Neighbourhood plan identifies that applications for new HMOs must be judged in accordance with the provisions of the adopted HMO SPD and local plan policy. The threshold approach, as set out in the HMO Supplementary Planning Document (HMO SPD), is the key way to assess and manage the impacts of HMOs on residential amenity. No physical changes are proposed. 2 off road parking spaces are proposed (including the integral garage) and the owners of the property are eligible for 2 on road parking permits.
- 5.6 **Falling demand for HMOs.**
Response: Not a material planning consideration as this is a matter for the applicant to consider before taking their decision to convert.
- 5.7 **Bassett Crescent East is a road that's designated as an area for family housing only.**
Response: The Development Plan for Southampton does not include any policies which exclude the principle of the conversion of family dwelling houses to HMOs within any areas of Southampton.
- 5.8 **Loss of family house.**
Response: There are no physical changes that would prevent the dwelling from being occupied by a family in the future. The change of use from C3 to C4 does not constitute the loss of a dwelling. If it did then the Council would be unable to approve any such applications without it representing a Plan departure. Instead, the policy position is that by protecting housing stock within the 40m radius we plan for a mixed and balanced community whilst enabling some growth in the HMO sector to meet suggested ongoing demand.
- 5.9 **Out of character.**
Response: The physical nature of the building will not change and provided that residents behave reasonably the character of the area will not change. As the 10%

threshold would not be exceeded the HMO SPD identifies that the character of the area will not be significantly changed or harmed.

5.10 Neighbouring amenity.

Response: Provided that occupants of the HMO behave reasonably there would be no significantly harmful impact on neighbouring amenity.

5.11 Precedent.

Response: Each new app for HMO would be subject the assessment set out in the HMO SPD. Each application must be judged on its own merits.

5.12 No notification on the lamppost.

Response: To achieve our statutory responsibility the Local Planning Authority must either erect a site notice or send letters of notification to direct neighbours. Whilst we tend to do both an administrative error resulted in a site notice not being erected at the same time as letters of notification were sent to direct neighbours. Once residents had made us aware that a site notice had not been erected the Local Planning Authority erected one 01.07.2020, and accordingly extended the consultation period for another 21 days.

5.13 Delay in receiving consultation letter & some nearby residents did not receive letters of consultation.

Response: The consultation process has been carried out in accordance with planning legislation and the Council's own procedures. Neighbours have been given sufficient time to respond, all direct neighbours were consulted, and a site notice was erected.

5.14 Increased refuse storage demand

Response: HMOs would not necessarily generate greater refuse storage requirements than some families who could also live at the same property. There is no change to the storage provision.

5.15 Supporting letter provided by Applicant is misleading where it states 1 Mayflowers (an existing HMO) is not causing any problems.

Response: Whether or not 1 Mayflowers is causing problems is not a material planning consideration as each application must be judged on its own merits and there is separate legislation to address noise and disturbance issues off-site.

5.16 HMO properties risk not being well maintained and the transient nature of the occupiers don't have long term attachment or incentive to preserve or enhance the pleasant character of the neighbourhood.

Response: Management and upkeep of gardens/properties is not a material planning consideration.

Consultation Responses

5.17 Environmental Health: Should we receive any noise complaints (it's very much down to the future individual behaviour of occupants which cannot be predicted) in future if the development is granted we would use powers under the Environmental Protection Act 1990 to address the issues outside of the planning regime. We are therefore not objecting to this proposed development.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- a) Principle;
 - b) Character & Residential Amenity (including Parking);
 - c) Quality of Living Environment.

6.2 Principle of Development

- 6.3 The principle of additional HMOs across the city is accepted, subject to a detailed assessment of the case. If approved, the existing property could easily be returned to use as a family dwelling at any time by way of a change of tenants, as the building structure and internal layout would remain unchanged from the previous use as a C3 family dwelling. The change back from a C4 HMO use to a C3 dwelling would not require planning permission. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 (2) of the Core Strategy.
- 6.4 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. The site is close to the University and is likely to be a popular location for students without the need for reliance on the private car.

Impact in terms of Character, Amenity and Parking

- 6.5 There are no structural changes proposed to the building, and no changes to the external appearance of the property, so any impact on character and amenity would be as a result of changes in the intensity of use of the property.
- 6.6 In this case the proposal is for a C4 HMO with 5 bedrooms, replacing a house which could potentially be occupied by a family and which also, potentially, could contain 5 bedrooms. From the plans provided the scheme appears to show a 4 bed dwelling changing to a 5 bedroom HMO. This change is not considered to be significant and does not necessarily mean that there will be a harmful increase in comings and goings as it really depends on the individual circumstances of the group that is occupying the property at any given time.
- 6.7 The HMO SPD sets out that the maximum number of HMOs within a 40 metre radius of the application property should not exceed 10%. As such, if the percentage of HMOs within a 40m radius exceeds 10%, applications for future additional HMOs will be refused for being contrary to policy and harmful to character.
- 6.8 The assessment carried out by officers is appended at **Appendix 2**. 14 residential properties were identified within a 40m radius of the application site. 1 of these is a flatted block containing 2 beds flats (35 Bassett Crescent East), so is excluded from the count, leaving 13 properties. Based upon information held by the City Council's Planning, Council Tax and Licensing departments, it has been identified that there are no HMOs within the area at the current time. When the application site is included, there would be 1 HMO out of the 13 remaining properties within the 40m radius, which equates to 8%. This is below the 10% threshold.

- 6.9 The threshold approach, as set out in the HMO Supplementary Planning Document (HMO SPD) is a key way to manage the impacts of HMOs on residential amenity. Although the use of this property as a HMO would be different to that of a C3 family dwelling, it is not necessarily considered to give rise to a level of activity that would be significantly harmful. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers.
- 6.10 Paragraph 5.2 of the HMO SPD states that where a property is within a residents' parking permit zone, occupants are entitled to apply for permits, however the number of permits available will be restricted in accordance with the local parking policy, which would control the number of cars associated with the dwelling. In this case 2 parking permits have been allocated to the property.
- 6.11 In terms of parking standards the SPD suggests a maximum of 3 off road parking spaces provided on site for a 5 bedroom property in this location. This is the same requirement for both C3 and C4 and officers feel it would be unreasonable to apply the policy differently between the 2 uses.
- 6.12 The onsite car parking for 2 vehicles does not exceed the maximum parking provision allowed by the parking standards SPD and with the allocation of 2 parking permits the development will sufficiently accommodate the overspill parking from the property.
- 6.13 Notwithstanding compliance with parking standards as demonstrated above the applicant has also provided a car parking survey which demonstrates that no greater than 13% of available on street car parking spaces within the assessment area were occupied on any of the 3 occasions that surveys were undertaken. The dates of the survey are: Friday 5th June at 00:30, Monday 8th June 04:30 & Tuesday 9th June 05:15. This survey work will form part of the officer's presentation to Panel and is available for inspection on Public Access. This level of available on road parking is not surprising given that most of the dwellings within the area include off road parking areas and the area is also covered by a resident's parking permit zone.
- 6.14 Although it is recognised that HMO properties can generate more 'comings and goings' than a family dwelling, there are no other HMOs recorded within in a 40m radius of the front door of the application site. Taking this into account, along with the modest size of the HMO and the fact that the number of occupants can be controlled by condition, it is not considered that the proposal will result in significant harm to the character of the area or the surrounding residents.

Quality of the Residential Environment

- 6.15 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (iii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.
- 6.16 The proposed room sizes are:

Kitchen/living room 27.1
First floor bedroom/living room 24.8
First floor bedroom 8.4
First floor bedroom 9.6
Second floor bedroom 18.4
Master bedroom (second floor) 24.8

- 6.17 These room sizes should be assessed against the guidance set out in the Council's HMO Guidance. Officers feel that the room sizes are acceptable as all bedrooms exceed the minimum room size standard for bedrooms in HMO's (6.51sq.m) and the combined kitchen/lounge is also deemed to be sufficient in size to fit the required kitchen facilities and to enable them to be used safely. Provision of a combined kitchen/lounge is also not opposed by the guidance and the living room is sufficient in size to accommodate all occupants at the same time.
- 6.18 The proposal would retain a communal living space on the ground floor with open plan lounge and kitchen area with direct access to the rear amenity area. A condition is recommended to secure retention of the communal living space. All habitable rooms would have suitable outlook from existing windows and would be typical of HMO's and dwelling houses in the vicinity. Occupants of the property have access to a large private garden that is characteristic of the properties in the area. The proposed bedrooms would be of suitable size, therefore, the amenity of the occupants of the host dwelling shall not be harmed. In addition, conditions are recommended to secure details of the proposed provision of refuse and cycle storage facilities. At the time of writing the garage is not to be used for cycle parking rather the shed in the rear garden would be used.

7.0 Summary

- 7.1 In determining this application the Panel need to balance the need for new HMOs in the City against the protection of existing residential amenity and character. The Council has adopted a 40m radius test to assist with this assessment. The proposal for the conversion of the property to a C4 HMO would not result in the 10% threshold limit being exceeded and is considered to be acceptable in principle. The proposal shall not cause unacceptable harm to neighbouring amenity or highway safety. In addition, the amenity of the occupants of the host dwelling would not be harmed. Accordingly the scheme is deemed to comply with policy BAS 6 of the Bassett Neighbourhood Plan, Local Plan policies SDP1, SDP5 SDP7 SDP9, H1, H2 & H4, Core Strategy policy CS13, CS16 & CS19 and the HMO SPD.

8.0 Conclusion

- 8.1 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) 6(a) 6(b)

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance Condition)

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

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

02. Approved Plans

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

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

03. Refuse & Recycling (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interest of visual and residential amenity.

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.

04. Cycle storage facilities (Performance Condition)

Prior to the first use of the building as an authorised C4 HMO for 5 people, secure and covered storage for 5 bicycles shall be provided on site in accordance with plans that shall have first been submitted and agreed in writing by the Local Planning Authority. The storage shall be thereafter retained as approved and made available for all occupants to use.

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

05. Retention of communal spaces & number of occupiers (Performance Condition)

The rooms labelled kitchen/lounge & integral garage on the proposed ground floor plan, together with the external amenity areas, shall be made available for use by all of the occupants prior to first occupation of the property as a C4 HMO use, as hereby approved, and thereafter shall be retained and available for communal purposes when in use as a HMO. The number of occupiers within the property, when in HMO use, shall not exceed 5 persons.

Reason: To ensure that suitable communal facilities are provided for the residents, in the interests of protecting the amenities of local residents, and to ensure that the application assessment undertaken relates to the 5 persons proposed by this application.

Note to Applicant

A HMO License is required in order 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: www.southampton.gov.uk/housing/landlords/houses-multiple-occupation/

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
H1	Housing Supply
H2	Previously Developed Land
H4	Houses in Multiple Occupation

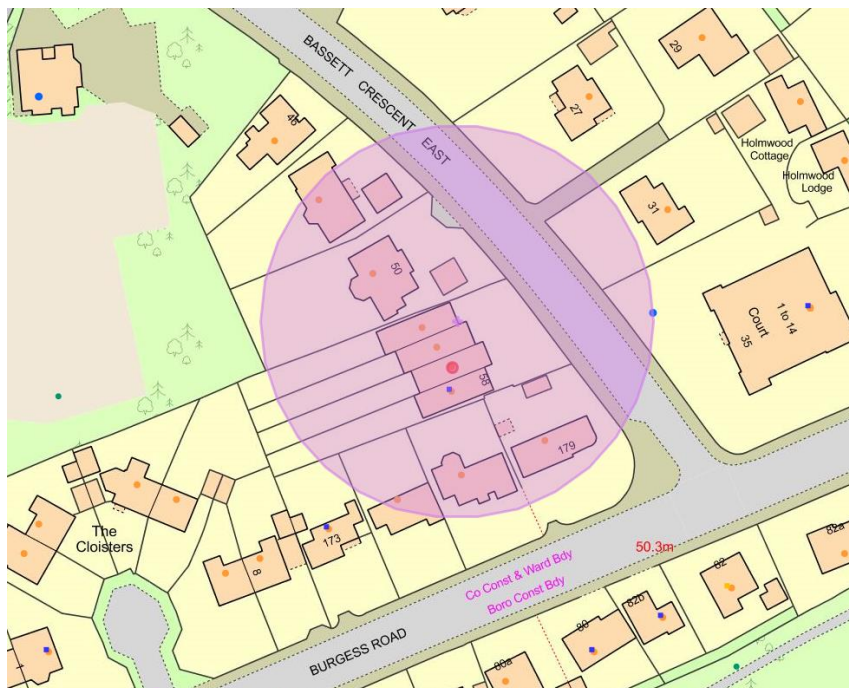
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation (amended 2016)
Bassett Neighbourhood Development Plan (2016)

Other Relevant Guidance

The National Planning Policy Framework (revised 2019)

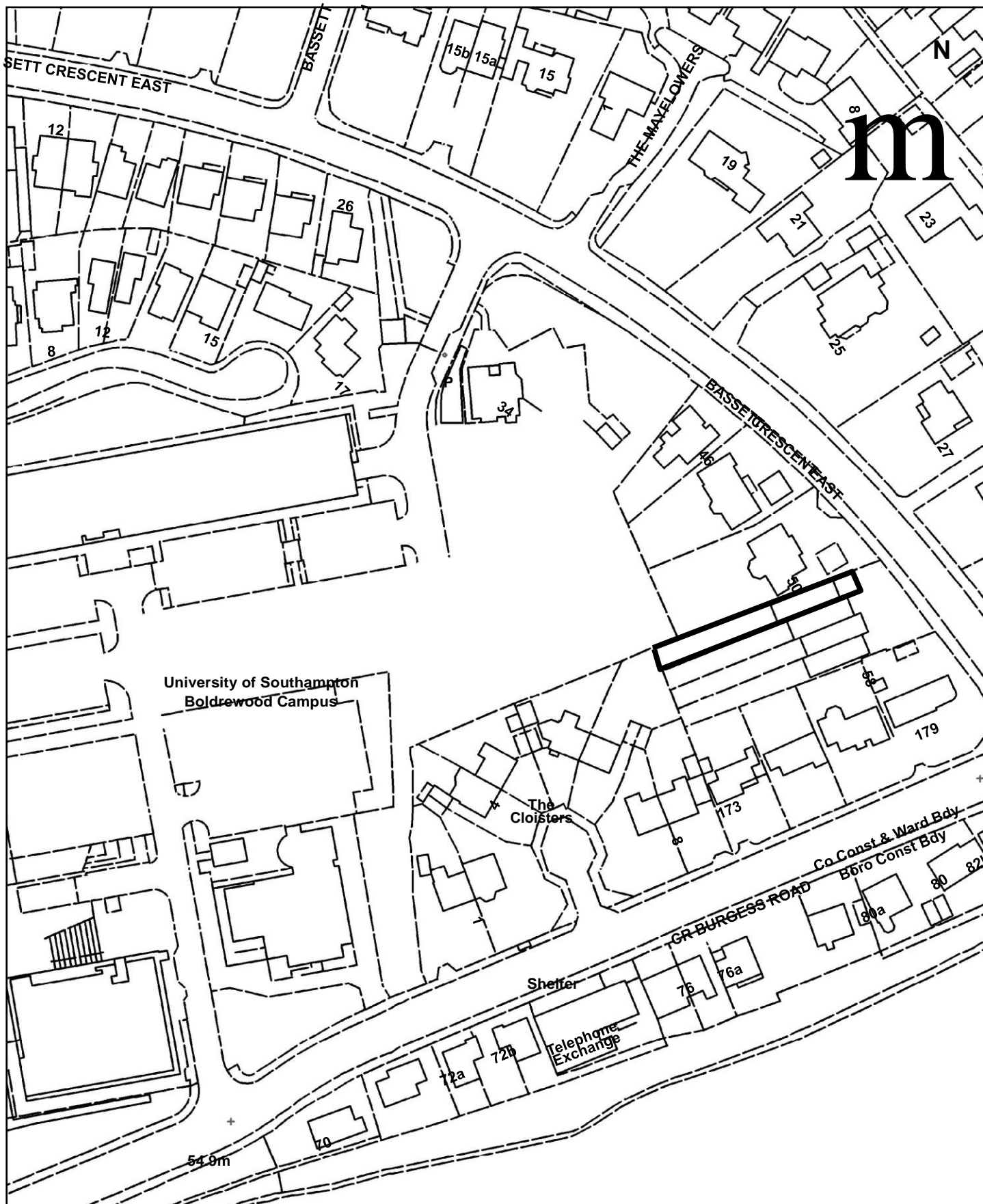
40m HMO Assessment Summary



House #	Road	Use	Count	HMO
27	Bassett Crescent East	C3	1	
29	Bassett Crescent East	C3	2	
31	Bassett Crescent East	C3	3	
35 (Flats 1 – 14)	Bassett Crescent East	C3		
48	Bassett Crescent East	C3	4	
50	Bassett Crescent East	C3	5	
52	Bassett Crescent East	C4	6	1
54	Bassett Crescent East	C3	7	
56	Bassett Crescent East	C3	8	
58	Bassett Crescent East	C3	9	
173	Burgess Road	C3	10	
175	Burgess Road	C3	11	
177	Burgess Road	C3	12	
179	Burgess Road	C3	13	

Note: 35 Bassett Crescent East is a flatted block containing 2 beds flats so is excluded from the count.

13 dwellings, 1 HMO = 8%



Scale: 1:1,250

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