

Planning and Rights of Way Panel

Tuesday, 24th May, 2022
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

To be elected at the Council AGM on:
18 May 2022

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.

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 2022/2023

2022	
24 May	20 September
21 June	11 October
12 July	1 November
2 August	22 November
23 August	13 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.

2023	
24 January	18 April
21 February	
24 March	

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 ELECTION OF CHAIR AND VICE-CHAIR

Panel members will be appointed at the Annual General Council meeting. The Panel will need to elect the Chair and Vice Chair for the Municipal Year 2022-2023, should this not have been possible at this meeting.

PLEASE NOTE

3 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.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 3 - 10)

To approve and sign as a correct record the Minutes of the meeting held on 29 March 2022, and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

6 PLANNING APPLICATION - 21/01370/FUL - BROOKVALE ROAD SOUTHAMPTON SO17 1QN (Pages 15 - 40)

7 PLANNING APPLICATION - 22/00383/FUL - 34 CROFTON CLOSE SOUTHAMPTON SO17 1XB (Pages 41 - 52)

8 PLANNING APPLICATION - 21/01769/FUL - 3 RAYMOND ROAD SOUTHAMPTON SO15 5AG (Pages 53 - 64)

9 PLANNING APPLICATION - 22/00448/FUL - 18 MILTON ROAD SOUTHAMPTON CITY OF SOUTHAMPTON SO15 2HR (Pages 65 - 80)

10 PLANNING APPLICATION - 22/00403/FUL - 11 RUSSELL PLACE SOUTHAMPTON CITY OF SOUTHAMPTON SO17 1NU (Pages 81 - 94)

Monday, 16 May 2022

Service Director – Legal and Business Operations



Principles for preventing the spread of COVID-19 infection after 24 February 2022

Public Health, Southampton City Council

The Government has published their Living with Covid plan. From the 24th of February, people are no longer legally required to self-isolate if they have a positive COVID-19 test but are still advised to stay at home for at least 5 days and only leave after they have two negative lateral flow tests separated by 24 hrs. Contacts of a confirmed case will no longer be contacted, required to self-isolate or do additional testing, although there is [guidance for household contacts of confirmed cases](#). From the 1st of April the government will no longer provide free symptomatic or asymptomatic testing for the general population but will set out further details on which at-risk groups will be eligible.

Whilst legal restrictions to control the spread of infection have been lifted, we all need to use our personal judgement to help protect ourselves, our families, friends and communities whilst the prevalence of COVID-19 in Southampton remains high.

Individuals can still reduce the risk of catching and passing on COVID-19 by:

- a) Getting vaccinated
- b) Letting fresh air in if meeting indoors, or meeting outside
- c) Wearing a face covering in crowded and enclosed spaces, when rates of transmission are high
- d) Trying to stay at home when feeling unwell and taking a test if experiencing COVID-19 symptoms
- e) If positive, keeping their distance from other people they live with and spend as little time as possible in shared areas
- f) If living in a household with someone who is positive, work from home if able, limit contact with others, especially those who are vulnerable and wear a face covering when leaving home
- g) Washing hands and following advice to 'Catch it, Bin it, Kill it'

Alongside asking people to take personal responsibility and adopt a cautious approach, government has emphasised that employers will receive a different set of principles for working safely. In the meantime, Southampton City Council public health team continues to support the following principles for settings:

- 1) To operate settings, businesses and services in a way that instils confidence in visitors and customers that they are as safe as possible
- 2) Create an environment and culture which is respectful of people's choices and is permissive for people to wear face coverings if they so wish, recognising individuals are best placed to understand their own circumstances and perceptions of risk
- 3) A proportionate approach to protective measures:
 - Thinking about ways to limit mixing between people by minimising the number, proximity and duration of contacts whilst infection rates remain high
 - Maximising ventilation wherever possible
 - Making hand and respiratory hygiene as easy and accessible as possible
 - Maintaining frequent and effective cleaning
- 4) Individual settings, businesses and services may make different choices depending on their risk assessments, which will take account of vulnerable groups, risk of exposure and necessary controls. Whilst COVID-19 will no longer require specific risk assessment in businesses after the 1st April, existing Health & Safety legislation means employers are required by law to protect their employees and customers from harm
- 5) Encouragement of all eligible groups to get vaccinated

These principles will be reviewed on a regular basis in light of prevailing infection rates and changes to government guidance. The public health team at SCC is here to support you, and we can offer specific infection prevention and control advice – please contact publichealth@southampton.gov.uk

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 29 MARCH 2022

Present: Councillors Prior (Vice-Chair), Coombs, Savage, Vaughan, Windle, Laurent and J Payne

69. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillors L Harris and Magee from the Panel, the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillor J Payne and Laurent to replace them for the purposes of this meeting.

COUNCILLOR PRIOR IN THE CHAIR

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

RESOLVED: that the minutes for the Panel meeting on 8 March 2022 be approved and signed as a correct record.

71. **PLANNING APPLICATION - 21/01837/FUL - FORMER TOYS R US**

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.

Demolition of all existing buildings and structures and site clearance and hybrid planning permission for the redevelopment of the site for major mixed-use development comprising:

- (A) Full planning permission for the demolition of the existing building and structures; construction of 4 buildings (Blocks A, B, C and D) of between 7 and 25 storeys with Block A comprising commercial floorspace (Class E) and Blocks B, C and D comprising 603 residential units (Class C3) and ground floor commercial floorspace (Class E); together with associated access, parking, servicing, landscaping (including Sustainable Drainage Systems), amenity space, public realm and substations.
- (B) Outline planning permission for the construction of 1 building (Block E) of up to 8 storeys for flexible commercial/residential/overnight accommodation (C1/C3/Class E Uses) and/or co-living (Sui-Generis) with associated access, parking, servicing, landscaping and amenity space (all matters reserved except for access).

Simon Reynier (City of Southampton Society) Sarah Beuden (agent), Mark Woodrow (applicant), Laurence Osborn (architect) were present and with the consent of the Chair, addressed the meeting.. the Panel noted statements from Leigh-Sara Timberlake and Colin Barnett had been received, circulated to the Panel by email and hard copy and posted online.

The presenting officer reported a number of amended conditions, as set out below. It was also noted that an additional condition relating to the commencement of the development was also required, as set out below.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant planning permission and approve the Habitats Regulations Assessment. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Prior, Laurent, J Payne and Vaughan

AGAINST: Councillors Coombs, Savage and Windle

RESOLVED that the Panel:

- (i) Delegate to the Head of Planning & Economic Development to approve the Habitats Regulations Assessment and 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. In accordance 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), financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site including:
 - Segregated cycle route and/or bus lane (subject to design) on Western Esplanade between Central Station and Western Esplanade/Civic Centre Road junction;
 - No loading restrictions (TRO & Implementation) around site boundaries to stop loading/unloading away from designated loading bays, and loading restrictions in any provided loading bay(s);
 - Contribution to segregated cycle route, pedestrian crossing points and works to connect from site to Manchester Street (route past side of Asda);
 - 2x Enhanced Variable Messages Signs on Western Esplanade – one replacing existing adjacent to site, second on southbound approach; and Southampton Central Station Forecourt scheme and Legible Cities Wayfinding & base map update;
 - Provision of on-site hub to provide a range of shared e-mobility (e.g. scooters, cargo bikes, bikes, vans) for residents and businesses;
 - New junction layout to improve traffic flows with better pedestrian and cycle crossings across Western Esplanade (W & S), new controller and MOVA operation, to connect the site with the City;
 - Provision of servicing laybys for the commercial and any other relevant uses within the development;
 - 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 towards Solent Disturbance Mitigation Project 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.
 - d. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives during both the construction and operational phases, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - e. the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
 - f. Affordable housing provision taking account of the current Development Plan and current viability with ongoing reviews;
 - g. Notwithstanding the current submissions the submission, approval and implementation of on site Public Art in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013),
 - h. Submission, approval and implementation of a Travel Plan for both the commercial and residential uses in accordance with Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy;
 - i. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
 - j. The provision of a financial contribution towards late night Community Safety Initiatives within the City Centre, having regard to the late night uses within the application proposal and in accordance with policy AP8 of the City Centre Action Plan.
 - k. Notwithstanding the current submissions the submission of a scheme of works and management plan for the International Maritime Promenade permitted route, public plaza and other public areas around the site for access by pedestrians and cyclists.
 - l. Provision, retention and management of the public open space and on-site play space together with securing public access in perpetuity in accordance with policy AP13 of the City Centre Action Plan.
 - m. A financial contribution to a flood defence scheme and flood evacuation plan in accordance with the NPPF and policy AP15 of the City Centre Action Plan.
- (ii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Head of Planning and Economic Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
 - (iii) That the Head of Planning and Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional Condition

Not to Commence Development unless the Developer (as defined in the Development Agreement between Packaged Living (FREOF V Southampton) LLP and Southampton City Council and dated []) has entered into a s.106 agreement substantially in the form as that between Packaged Living (FREOF V Southampton) LLP and the Council and dated [].

REASON: To secure planning obligations to mitigate the impacts of the development.

Amended Conditions

01. Outline part of this Hybrid Planning Permission - Timing Condition

Outline Planning Permission for the principle of development for flexible commercial/residential/overnight accommodation (C1/C3/Class E Uses) and/or co-living (Sui-Generis) and means of access for Zone E/Block E is approved subject to the following:

- (i) Written approval of the details of the following for development within the boundary of the outline application, shown on plan ref TRU-GRID-00-ZZ-DR-A-PL600 Rev P01 awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site.
 - the layout of the buildings on site and detailed siting of associated areas in accordance with Block E Parameter Plan Drawing No. TRU-GRID-00-ZZ-DR-A-PL600 Rev P01;
 - the appearance and architectural design specifying the external materials to be used in accordance with the Design Code by Grid Architects Dated 10.12.2021;
 - the scale indicating massing; and
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission.
- (iii) The outline part of this hybrid planning application hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

REASON: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended). To protect views of the Civic Centre campanile from West Quay Road in accordance with the requirements of policies AP16 and AP17 of the City Centre Action Plan (2015) and paragraphs 190, 193, 194 and 196 of the National Planning Policy Framework (2019).

03. Phasing (Pre-Commencement Condition)

The development hereby approved, shall follow an implementation phasing programme, with details to be first agreed in writing with the Local Planning Authority

prior to the commencement of development. The phasing plan shall ensure that the International Maritime Promenade and landscape zone as shown within the indicative phasing plan as shown on page 69 of the Design & Access Statement by Grid Architects Dated 14.12.2021, shall be delivered as part of the first phase.

REASON: To ensure that development takes place in an ordered and agreed methodology. In the interests of retaining a permissive route through the site from Western Esplanade to Harbour Parade and to ensure the part of International *Maritime Promenade relating to this site is delivered in a timely manner in accordance with policy AP19 of the City Centre Action Plan.*

38. International Maritime Promenade Management Plan

Prior to the commencement of development (excluding site set up and demolition, archaeology, site investigations, services and diversions), a management plan to detail how access to Block/Zone E and servicing will be managed along the International Maritime Promenade route to avoid conflict with pedestrians and cyclists and to ensure this strategic route is provided as high quality public realm. To include consideration and approval of measures to delineate pedestrians, cyclists and vehicles in the interests of user safety. The management plan shall set out servicing times to avoid peak pedestrian commuter times and management of bollards or physical measures to prevent non-servicing vehicle access and parking. The Management Plan shall be adhered to for the lifetime of the development, unless subsequently amended plans are first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of pedestrian and cyclists safety and to ensure a high quality public realm and satisfactory form of development in accordance with policies AP19 and AP21.

39. Servicing Management Plan (Pre-Use Condition)

Before each phase, a management plan for the servicing and delivery requirements for each building within that phase of that relevant unit, including servicing times to avoid peak times on the highway network, shall be submitted to and approved in writing by the Local Planning Authority. The Management Plans shall be adhered to for the lifetime of the development, unless subsequently amended plans are first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the safety and convenience of the users of the adjoining highway and residential amenity.

42. Cycle storage facilities (Pre-Occupation)

Before the development hereby approved first comes into occupation/use, 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. A minimum of 603 cycle parking spaces shall be provided for the C3 residential accommodation hereby approved. The storage shall be thereafter retained as approved for the lifetime of the development. Furthermore the office shower and changing facilities as shown on the approved drawings shall be provided prior to first occupation of Block A and retained thereafter.

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

44. Residential Environment – Internal and external amenity space

Prior to the first occupation of each phase a management plan relating to how the buildings and their associated spaces will be managed within that phase, including the resident's amenity areas, including further details of the nature, likely fit out and type of internal communal facilities and associated roof terraces, main pedestrian routes shall have been submitted to and approved in writing by the Local Planning Authority.

The management plan shall include details of outdoor seating, any rooftop amenity space furniture and associated facilities including litter bins and management, the management of special events and the policing of anti-social behaviour alongside the day to day operational requirements of the building. Each phase shall be managed in accordance with the agreed details for the lifetime of the development.

All occupiers of the residential accommodation shall be given secure, unfettered, free access to the resident's amenity areas and associated roof terrace during the lifetime of the development. The use of the development shall be carried out in accordance with this agreed management plan unless otherwise agreed in writing by the Local Planning Authority.

A minimum of 841sqm gross of communal/private internal amenity space shall be provided for residents of the development in accordance with the submitted Accommodation schedule Rev G dated 13.12.2021.

Furthermore before each residential building within each phase comes into occupation, the internal and external amenity space for that particular phase as shown on the plans hereby approved and any subsequent phasing plan agreed under condition 03, shall be made available for use for that particular phase in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

REASON: The nature of managed PRS units includes internal and amenity space provision and provides a different offer to market C3 units when considered against the National Prescribed Space Standards. To secure a satisfactory city living environment

72. PLANNING APPLICATION - 21/01632/FUL - 91 POUND STREET

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 from a dwelling house to a 4-bed children's home (C2 use)

Ben Rogers, Lindsey Wilson and Ivan White local residents), Paradzai Chitonog (Applicant) and Councillors Laurent and Fitzhenry (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that comments from the City Council's Children's Placement Team had been received and these were reported to the Panel. It was noted that that Southampton City Council would not currently be a partner seeking to take up these places, however the Applicant's supporting statement also highlights that Hampshire County

Council are their other potential partner. In addition it was noted that an updated supporting statement had been received from the applicant and that this had been posted online and circulated to the Panel. It was noted that the statement had informed an amendment to Condition Number 3, as set out below.

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 Prior, Coombs, Savage and Windle
AGAINST: Councillors J Payne and Vaughan

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

03. Management Plan (Pre-Occupation)

Notwithstanding the information already provided in the updated Supporting Statement, before the development hereby approved first comes into occupation, a detailed management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of the proposed levels of supervision of residents both on and off-site, and measures to manage the level of noise audible outside the premises. These measures shall include providing 24 hour contact details for the site's management, including a company representative, to provide liaison with neighbouring dwellings to address noise and disturbance complaints as they arise. The operator shall, thereafter, keep these contact details up to date. The development hereby approved shall operate in accordance with the agreed Management Plan.

REASON: In the interest of the amenities of neighbouring occupiers

NOTE: Councillor Laurent declared an interest as a Ward Councillor and withdrew from the Panel.

73. **PLANNING APPLICATION - 21/01649/FUL - 39 THORNBURY AVENUE**

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.

Change of use from care home to family dwelling (class C3) and 1-bed annexe with parking, cycle and refuse store. *Description Amended following amended plans to change family home layout and use of flat as an annexe*

Councillor Shields (ward councillor) was present and with the consent of the Chair, addressed the meeting. Additionally the Panel noted a statement received, circulated and posted online from Nigel Parsons and that the local resident, Claire Heyes, who had registered to speak on the application had unfortunately had to leave the meeting prior to the matter being considered.

The presenting officer reported that there were no updates to the condition required. It was noted that enforcement actions were still ongoing

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

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic 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 and 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 contribution towards the Solent Disturbance Mitigation Project to mitigate impact on European designated sites due to an increase in recreational disturbance.
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Head of Planning and Economic Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 24th May 2022

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	SB	DEL	5	21/01370/FUL 11 Brookvale Rd
7	CC/RS	CAP	5	22/00383/FUL 34 Crofton Close
8	LT/RS	CAP	5	21/01769/FUL 3 Raymond Rd
9	AC	CAP	5	22/00448/FUL 18 Milton Rd
10	TB/RS	CAP	5	22/00403/FUL 11 Russell Place

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:

SB – Stuart Brooks

CC – Connor Chalmers

LT – Laura Treagus

AC – Anna Coombes

TB – Tom Barnett

RS – Rob Sims

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) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
 - (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 (2013)
- (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 15th February 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 11 Brookvale Road, Southampton			
Proposed development: Alterations and extensions to form 3-storey building comprising 4 flats (2 x1-bed and 2 x 2-bed) with rear balcony (<i>amended description</i>)			
Application number:	21/01370/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	ETA 22.02.2022	Ward:	Bevois
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Kataria Cllr Rayment Cllr Denness
Referred to Panel by:	n/a	Reason:	n/a
Applicant: Thistle Ledge Ltd		Agent: Paris Smith LLP	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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 (2021). Policies – CS4, CS5, CS7, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. 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 or S.111 Legal Agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale

1. The site and its context

- 1.1 This site is located on Brookvale Road and has an area of 339sqm. It comprises a 2 storey detached residential property divided into 2 maisonettes (2 beds each) with access to 95sqm of amenity space. The flatted property is built as part of a group of 3 consented maisonettes in 1964. The property is set back 7m from the southern side of Brookvale Road. The surrounding context is characterised by a mixed style of residential properties within a suburban area, with taller high-density flatted developments to the south-west on Westwood Road, and large spacious plots with detached dwellings within the Portwood Residents Garden Conservation Area (CA) to the north-east. The application site is not within the CA but forms the 'setting'. There are a number of Traffic Regulation Orders parking controls, including permit only restrictions, on surrounding streets and Brookvale Road.

2. Proposal

- 2.1 The proposal, as originally submitted, sought permission to extend the property frontwards, rearwards and upwards to form a 3 storey building and create 3 additional flats, overall mix of 4 x 1-bed and 1 x 2-bed (5 flats in total). In addition, the kerb will be lowered to facilitate the provision of hardstanding for two off-road parking spaces in the front garden with tree planting, and enclosures will be provided for bin and cycle storage.
- 2.2 Following discussions with the applicant in response to the harmful loss of outlook and light serving the side facing windows affected at 9 Brookvale Road, the applicant has amended the proposal by reducing the height of the rear extension from three to single storey only (depth of 2.65m from the existing rear wall) and the number of flats has been reduced to 4 flats (mix of 2 x 2-bed and 2 x 1-bed). The neighbours were further notified about the amended plans before officers made their final recommendation for panel.

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 2021. Paragraph 219 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 There is no relevant planning history for the site.

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 on 01.10.2021. Following the receipt of amended plans a further 14 day notification was undertaken which expired on 10.05.2022. At the time of writing the report **16 representations** (8 support and 8 objection) have been received from surrounding residents. Please note the 8 representations in support were received following consultation on the amended scheme reducing the height of the rear extension to single-storey. The following is a summary of the points raised:

Comments in OBJECTION

5.2 ***Out of keeping with density of properties in the local vicinity – increase of density too high, over-development and over-intensification and of the site. The demolition of the existing building combined with the height, scale and massing and going beyond the rear building line of the maisonette group will be visually out of keeping with character of the grouped buildings and the street scene in terms of the existing uniform design and window openings of nos. 13 and 15 Brookvale Road. Removal of the current wall and large bin enclosure at the front of the property and introduction of the parking spaces would have a further negative effect on the street scene. The proposal will significantly harm the attractive vistas from the adjacent Portswood Residents' Gardens Conservation Area. It will also be out of character with the neighbouring maisonettes; result in over-development of the site and cause hazardous traffic conditions. This would be contrary to the Portswood Residents' Gardens Conservation Area Appraisal and Management Plan (CAAMP, adopted 2011).***

Response

Planning policy supports the delivery of a mix of housing types in order to create mixed and balanced communities. Densification with flatted development assists in meeting the City’s identified housing need. The surrounding area has a mix of housing and flatted development and the proposed revised scheme resulting in 4 flats (net increase

of 2 flats) is not considered out of keeping with the diverse range of housing locally, whilst the built coverage of the site is well below the Council's 50% guidance so it does not physically over-develop the land available. The height and appearance of the extended building exclusively of the other existing maisonette properties will sit comfortably in the varied street scene, whilst the frontage will maintain a good balance between hardstanding and soft landscaping supplemented by tree planting. The size of the bin enclosure has been reduced so it is no longer over-dominant of the street frontage. The site falls outside the conservation area and the Council's Heritage officer raises no objection in terms of impact on the setting of the Conservation Area having regard to our saved heritage planning policies.

- 5.3 ***Proposed parking spaces on front garden will have environmental impact, and their access to the road would cause traffic hazard problems at the proposed location. The parking spaces are unnecessary as the applicant already has access to 2 garage spaces within the garage block fronting Westwood Road and there are wide opportunities for on-street parking available and good access to public transport nearby. The applicant has not included the existing garage parking spaces fronting Westwood Road in the application site whereby the new driveway parking is unnecessary. Conversely, other objectors have stated that the additional parking demand of 5 flats would put further pressure on street parking availability in the local area.***

Response

The Highways Officer has raised no objection to the impact on highways safety, whilst the highly accessible location and street parking controls will minimise the overspill impact from the off-road parking shortfall. Although the garage parking is in the applicant's ownership it is not necessary to link them to this application and the impact of safety/design of the new driveway parking should be assessed by itself. The proposed parking is visually acceptable and in keeping with the streetscene.

- 5.4 ***The applicant has not signed the correct ownership certificate and served the requisite notice on the other landowners as part of the group of maisonettes at 13 and 15 Brookvale Road. The proposed works will not comply with covenants. Historically this area was owned by Addis Estates, which included adjacent neighbours at 9 Brookvale Road. The intention of the lease covenants was to ensure considerate behaviour by the maisonette owners towards other maisonette owners and neighbouring properties, at the time also owned by Addis Estates.***

Response

The legality of the application has been checked by SCC Legal Services and it has been confirmed that the correct ownership certificate has been completed by the applicant. Covenant compliance is not a matter for the planning system and is a civil matter between the land owners to legally resolve.

- 5.5 ***Increased noise, disturbance and loss of privacy to no. 9 and 13 Brookvale Road. If access is to be allowed via the North West, the applicant should be required to erect a good-quality timber fence of 1.8m height between the northwest border of No 11 Brookvale Road and the communal path as shown on the land registry plans.***

Response

The main primary access into the building is from the front. Side access between no.

13 is an existing established arrangement for the maisonettes. Whilst the proposal seeks to increase the number of flats on site from 2 to 4 flats, the additional movements and activity by the new flats associated with the use of the side access adjacent to no. 13 is not considered to cause significant disturbance to the neighbouring residents or loss of privacy and, therefore, a boundary fence to divide the footpath is not considered a necessary measure to safeguard the neighbour's amenity. The disturbance from the additional comings and goings and ancillary related activities associated with the increase in density and occupation are not considered to cause a significant impact. The Council has separate legislative powers to resolve statutory noise nuisance. That said, the Council have to consider that the property will be used in a reasonable manner by future occupiers.

- 5.6 ***Loss of privacy, outlook and light currently enjoyed by no. 9 Brookvale Road. The neighbour enjoys 'right to light' so no light can be obstructed. The privacy of the rooflights of proposed flat 4 will be overlooked by the upper floor windows of no. 9. The plotting of the building and extended footprint shown in the amended plans is inaccurately moved backwards, and there appears to be a 4m rear extension at ground floor and 1.5m at first and second floor level. The application doesn't give adequate disclosure of the dimensions of this extension, and should not be approved without this being adequately described and neighbours being given the opportunity to object. Nuisance odours from bin store and water running off the roof into property of no. 9.***

Response

The applicant has confirmed that the plans are accurately plotted and the rear extension extends only from the existing rear building line at a depth of 2.65m. The plans are drawn to scale so an electronic measuring tool is available to scale off the dimensions of the plans.

The 'right to light' for the windows affected is a civil legal matter which falls outside the scope of the planning assessment and, therefore, is given limited material weight in the decision making as clearly impacts caused on existing day and sunlight is to be considered in the determination of this case.

The scheme has been amended to reduce the scale, bulk and massing of the rear extension from three-storey to single-storey to overcome harmful loss of light and outlook impacts to the side facing habitable windows of the neighbouring property at no. 9 Brookvale Road. The first floor to second floor facing side windows at no. 9 are offset to the rear of the proposed upward extension and steepening of the roof pitch. Given the 3.5m separation distance, the mass and bulk of the ground floor rear extension, upward extension and steepening of the roof pitch will maintain sufficient relief to the side facing windows affected at no. 9 and therefore ensure that there will be no undue loss of light and outlook enjoyed by the occupiers. It should be noted that the Residential Design Guide does not afford any protection to the hallway and staircase as its not classed as a 'habitable' room.

The privacy screen serving the rear balcony is positioned 4.8m from south-east flank wall so not to cause undue sense of enclosure or loss of light to no. 9, and at the same time prevent direct overlooking of the neighbouring property. A condition is recommended (Condition 16) to prohibit use of the rest of the single storey rear flat roof as a balcony. The proposed side windows shown on the amended plans will

obscure glazed and fixed shut up to 1.7m above the internal floor level and therefore would avoid direct overlooking of the neighbour's privacy. The higher up rear facing windows and first floor balcony (including the side privacy screens) proposed will have oblique views across the neighbouring gardens and side facing windows of no. 9 and therefore will not adversely affect the neighbour's privacy.

There will be oblique views from overlooking of the flat 4 rooflights by the existing upper floor windows of no. 9.

The applicant will be required to provide wash down tap facilities and gulley in the bin store to maintain its cleanness and minimise odours. Furthermore, details of rainwater goods to collect water running off the roof can be agreed by planning condition.

5.7 *Disruption and disturbance to neighbouring residents caused by construction works.*

Response

A standard hours of work condition can be applied to limit construction works hours and details of construction management will be secured prior to the start of development.

5.8 *While the plan has been revised from 5 flats to 4, the number of bedrooms has remained the same, still constituting 4 x 1 bed, and 1 x 2-bed in the previous plans, to 2 x1-bed and 2 x 2-bed. This is a doubling on the site of the number of flats, and a 50% increase in the number of bedrooms.*

Response

The real term gain in housing over the existing maisonettes is 2 x 1 bed flats. The density of development (60 dwellings per hectare to 117 dph proposed) is not considered to out of keeping with the size and location of the site. The character of the local area is mixed in terms of the range of housing and household types.

Comments in SUPPORT

5.9 *The reduction in number of flats and size of extension addresses previous concerns. Good design and not out of character. Will improve the appearance and value of the area.*

5.10 *Will provide good quality and variety of housing. Benefit of providing off-road parking.*

Consultation Responses

5.11	Consultee	Comments
	Environmental Health	No objection subject to conditions for construction management
	Sustainability	No objection subject to energy and water use improvement conditions
	Trees & Open Spaces	No objection
	Archaeology	No conditions required
	Highways	No objection

6.0 **Planning Consideration Key Issues**

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport and;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 The principle of additional housing is supported. The site is not allocated for additional housing, but the proposed dwelling(s) would represent windfall housing development. The LDF Core Strategy identifies the Council's current housing need, and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4, an additional 16,300 homes need to be provided within the City between 2006 and 2026. The NPPF, and our saved policies, seeks to maximise previously developed land potential in accessible locations.

6.2.2 The NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. Set against the latest Government housing need target for Southampton (using the standard method with the recent 35% uplift), the Council has less than 5 years of housing land supply. This means that the Panel will need to have regard to paragraph 11(d) of the NPPF, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it should grant permission unless:

- (i) *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.*

[the so-called "tilted balance"]

6.2.3 There are no policies in the Framework protecting areas or assets of particular importance in this case, such that there is no clear reason to refuse the development proposed under paragraph 11(d)(i). It is acknowledged that the proposal would make a contribution to the Council's five year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, and these are set out in further detail below to enable the Panel to determine 'the Planning Balance' in this case.

6.2.4 In terms of the level of development proposed, policy CS5 of the Core Strategy indicates that development will only be permitted which is of an appropriate density for its context and in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 dph (dwellings per hectare). The proposal increases the density on site from 60 d.ph to 117 dph.

6.2.5 Whilst the proposed density exceeds 100dph the development would remain in keeping with its context, in terms of building scale and site layout, and still needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.

6.3 Design and effect on character

6.3.1 The proposed extensions will increase the building footprint by 30%. The building footprint will extend to the rear by 2.65m and to the front by 1m. The building will be extended 1.6m upwards by raising the roof ridge/steepening slope pitch and eaves level to accommodate the 2 bedroom flat in a new second floor (third storey), albeit the rooms will appear as being in the skilling's/eaves level of the taller building. The extended building continues to respect the prevailing front building line and maintain the healthy set back from the street edge. The change in the scale and massing of the building does alter its existing form in comparison to existing set of maisonettes, however, this variety and different is not considered out of character with the street scene. Compared to the height of no. 9 Brookvale Road, the existing building on the site is currently a storey shorter.

6.3.2 The existing building does not have any significant architectural merit so the deviation from its original style will not be a major loss to the character of the area. That said, the resulting appearance of the extended building is well designed in its own right, whilst its individual design and style does not negatively change the overall visual appearance and character of the street scene. The balanced proportions and openings of the extended 3 storey building and its height transition upwards is harmonious with the taller proportions of the Victoria era property at no. 9 Brookvale Road. Furthermore, its individual appearance would not be at odds with the diverse range of building styles and heights in the wider Brookvale Road street scene.

6.3.3 The proposed resultant 33% ratio of footprint to plot coverage is well within the 50% guide set out in the Residential Design Guide (see paragraph 3.9.2) and, therefore, does not physically over-develop the site. Whilst the proposed density exceeds the upper 100 d.p.h guideline for this location, this will not be contrary to objectives of policy CS5. This is due to the surrounding context having a variety and mix of character and, therefore, a higher density flatted building would not be at odds locally with the range of housing, especially on the southern side of Brookvale Road.

6.3.4 The additional hardstanding to create 2 off road parking spaces is not considered to be out of keeping with the existing street scene. The visual balance is well maintained between soft and hard landscaping, supplemented by tree planting. Furthermore, a short front wall can be retained either side of the driveway entrance. The applicant has agreed to significantly reduce the size of the bin store in half (from 4 to 2 x 660 litres) so it no longer appears over-dominant. These changes are not out of character with other properties in Brookvale Road which have already converted their frontages into hardstanding for parking.

6.3.5 Furthermore, the site itself falls outside the boundary of the conservation area with a clear visual connection with the existing buildings on the opposite side of Brookvale

Road and the backs/sides of the taller 3 to 4 storey flats of Westwood Road to the south-west of the site. That said, the Conservation Officer has no objection from a conservation impact perspective and the setting of this heritage asset is at least preserved. As such, the proposal will not adversely affect the character and appearance of the local area.

6.4 Residential amenity

- 6.4.1 As submitted originally the scheme proposed a three storey extension with harmful impacts upon its neighbours. Officers have negotiated with the applicant and the rear bulk has been reduced. The proposed single storey extension will project 2.65m beyond the side facing windows of no. 9 Brookvale Road (ground floor – living room; first floor – dining room/kitchen; second floor – bedroom). These windows currently just sit behind the rear wall of no. 11 Brookvale Road, so their outlook towards the sky is reasonably uninterrupted above the boundary wall across the west and south-west of the site. The proposed rear extension flank wall has a 3.5m gap from the side wall of no. 9 (2.19m from the boundary wall in between).
- 6.4.2 The amended proposal with the omission of the first and second floor rear extension is more respectful to the amenity of the neighbouring occupiers, especially the side facing windows affected at no. 9. The reduction in height of the rear extension to single storey is considered to no longer adversely affect the outlook and light serving the side facing habitable windows at no. 9. The upper-floor side facing windows at no. 9 are offset to the rear of the proposed upward extension. Given the 3.5m separation distance, the mass and bulk of the ground floor rear extension, upward extension and steepening of the roof pitch will maintain sufficient relief to the side facing windows affected at no. 9 and, therefore ensures that there will be no undue loss of light and outlook enjoyed by the occupiers. It should be noted that the Residential Design Guide does not afford any protection to the hallway and staircase as its not classed as a habitable room.
- 6.4.3 The extended building introduces windows on the side elevations to serve bathrooms' living areas, kitchens, and addition of roof lights on the top floor (cill level 1.7m above internal floor level) serving the living room. These windows will be conditioned to be obscure glazed and fixed shut up to high level (1.7m above internal floor level) and, therefore, will prevent direct overlooking of the neighbouring properties. The new rear facing windows and rear balcony (with privacy screens to the side) will have oblique views of the neighbouring gardens and side windows of no. 9. Additionally, this will maintain an acceptable separation distance between David Lockhart Court. Furthermore, it is proposed to install a suitable privacy screen on the side of the new balcony to prevent direct overlooking of no. 13 Brookvale Road. As such, the privacy of the neighbouring occupiers will not be adversely harmed.
- 6.4.4 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Described Space Standards (NDSS) (1 bed = 39 or (37sqm with shower) & 2 bed = 61sqm) and the minimum garden sizes of 20sqm per flat set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4).

Flat/Floor	Floor Size sqm	National Standard	Compliance
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1 - GF (1 bed)	43	39	Y
2 - GF (1 bed)	40	39	Y
3 - FF (2 bed)	61 (11sqm balcony)	61	Y
4 - SF (2 bed)	62	61	Y

6.4.5 The internal arrangement of the flats will provide good access to light, outlook and privacy with all flats being dual aspect. The 95sqm communal amenity space available plus the 11sqm private space meets the minimum standards with a good quality and usability of the south facing garden which is fit for purpose. As such, the residential layout would create acceptable living conditions for future occupiers.

6.5 Parking highways and transport

6.5.1 The Highways Officer has no objection to the impact of the scheme on highways safety, with the development site close to amenities in Portswood district centre and in a highly accessible area, with good public transport links. The arrangement of the access to the proposed parking spaces to the front of the property is satisfactory, with sight lines showing there to be no obstructions over 600mm of the splay. This will ensure good pedestrian sightlines of vehicles exiting the spaces. The extent of the dropped kerb required to facilitate the parking arrangement is also shown. This takes place where existing double yellow line restrictions are in place. Therefore, there will be no loss of on-street parking through the proposed dropped kerb access.

6.5.2 There are a maximum 4 parking spaces (1 space per 1 bed and 2 bed flats) required for the flats in this area of high accessibility to public transport as set out in the SCC Parking Standards SPD. There is a 2 parking space increase in demand compared to the current 2 bed maisonettes. The applicant has not linked the use of the existing garage parking to this application site. The street and other nearby streets are controlled by a daytime parking permit scheme (08.00 to 18.00 hours Monday to Friday), and the site is within close, level, walking distance of Portswood shopping area which is a frequent bus corridor into the city centre.

6.5.3 The provision of less off-street parking than the maximum standards is permissible. No parking survey has been submitted, however, the street parking controls would minimise the overspill of the increased parking demand as the new house is not entitled to a parking permit and, therefore, would not harm the amenity of local residents from competition with local street parking. An informative can be added to the permission so new residents are aware of the restriction on fresh permits.

6.5.4 The secure and covered cycle store enclosure (6 spaces) accessible in the rear garden will be provided. Conveniently accessible bin store enclosure is provided in the frontage.

6.6 Likely effect on designated habitats

6.6.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of

the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites. The requisite SDMP contributions will be secured prior to granting planning permission through officer delegation.

7. Summary

- 7.1 In summary, the proposed development makes efficient use of the existing residential site and will increase the housing choice available within this neighbourhood. The resultant increased density on site is not out of keeping with the context of the established character of the local area characterised by a diverse range of housing from family housing, HMOs, care homes, and flatted apartments. Following the receipt of amended plans the impact of the proposed extension will not adversely harm the amenity of the neighbouring residents, whilst the new appearance and height of the extended building will sit comfortably in the street scene, and parking and traffic impacts will not adversely harm road safety and amenity.

The principle of new residential development is considered acceptable. It is acknowledged that the proposal would make a contribution to the Council's five year housing land supply. There would also be social and economic benefits resulting from the construction of the new dwelling(s), and their subsequent occupation, as set out in this report. Taking into account the benefits of the proposed development, and the limited harm arising from the conflict with the policies in the development plan as set out above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, consideration of the tilted balance would point to approval. In this instance it is considered that the above assessment, alongside the stated benefits of the proposal, suggest that the proposals are acceptable. Having regard to s.38(6) of the Planning and Compulsory Purchase Act 2004, and the considerations set out in this report, the application is recommended for approval.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to securing Solent Bird Aware contributions and the conditions set out below.

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) (f) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Stuart Brooks for 15.02.22 PROW Panel

PLANNING CONDITIONS to include:

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. 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, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

03. 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.

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

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

04. 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.

05. Unsuspected Contamination (Performance)

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

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

06. Use of uncontaminated soils and fill (Performance)

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

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

07. Energy Efficiency - Conversion (Pre-Commencement)

Prior to the commencement of the development hereby granted, written evidence shall be provided to demonstrate the development will achieve a reduction in CO2 emissions of at least 15% shall be submitted and approved in writing by the Local Planning Authority. A minimum Energy Efficiency Rating of 70 post refurbishment (an EPC rating C) should be sought. The approved measures shall be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter for the lifetime of the development.

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).

08. Water Efficiency (Pre-Construction)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum of 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of 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. The appliances/fittings to be installed as specified.

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 (Amended 2015) and to minimise the impact on Solent SPAs by reducing nitrate emissions.

09. Cycle storage facilities (Pre-Occupation)

Notwithstanding the approved plans, 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. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved for the lifetime of the development.

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

10. Refuse & Recycling (Performance)

Notwithstanding the approved plans, before the development hereby approved first comes into occupation, covered storage for refuse and recycling, including glass storage, facilities for tap wash down and drainage gulley, and rainwater goods to collect run-off from the roof, shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Before the development hereby approved first comes into occupation, the approved storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved for the lifetime of the development. With the exception of collection days, the refuse bins shall be kept in the approved storage area.

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.

11. Access & Parking (Pre-occupation)

Prior to the occupation of the dwelling hereby approved, the development shall be implemented in accordance with the approved access and parking and shall thereafter be retained for the duration of the lifetime of the development. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level adjacent to the site entrance where otherwise shown on the approved plans.

Reason: In the interests of securing safe access in the interests of highways safety.

12. Amenity Space Access (Pre-Occupation)

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

Reason: To ensure the provision of adequate amenity space in association with the approved and existing flats.

13. Landscaping (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. proposed finished ground levels or contours; means of enclosure; hard surfacing materials to include a non-permeable surfacing to prevent surface water run off onto the adjoining highway;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment and;
- iv. a landscape management scheme.

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

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

14. Obscure Glazing (Performance)

The side facing windows and rooflights of the hereby approved development, shall be obscurely glazed and fixed shut up to 1.7m above the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner for the lifetime of the development.

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

15. Privacy Screen (Pre-occupation)

The development hereby approved shall not be first occupied until a privacy screen on the western elevation is installed in accordance with details to be submitted and approved in writing by the Local Planning Authority and shall thereafter retained as approved for the lifetime of the development.

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

16. Flat roof (Performance)

With exception to the approved balcony areas as shown on the approved plans, no access shall be formed or permitted at any time so as to enable the use of the flat roof area formed by the ground floor rear extension hereby approved, and this roofspace shall not be used as a balcony or roof terrace space for the occupiers and/or their visitors of the existing/extended flats – particularly in respect of the rear bedroom to Flat 3.

Reason: In the interests of residential amenity.

17. No Other Windows or Doors (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended 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.

18. Parking spaces (Performance)

Prior to the first occupation and use of the extended dropped kerb hereby approved, spaces shall be laid out within the front garden area of the property for the parking of 2 vehicles only, which shall be properly consolidated, surfaced and drained and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason - To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

19. 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.

Note to Applicant

01. The residents of the approved development are not eligible for parking permits.

Application 21/01370/FUL

Appendix 1

Habitat Regulation Assessment (HRA)

Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report

Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.

Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£361.00
2 Bedroom	£522.00
3 Bedroom	£681.00
4 Bedroom	£801.00
5 Bedroom	£940.00

Therefore, in order to deliver the adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

- 1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;*

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural

sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution, and the City Council will ring fence 10% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 10% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2021.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

Application 21/01370/FUL
APPENDIX 2

POLICY CONTEXT

Core Strategy (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS7	Employment
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

BRE: Site Layout Planning for Daylight and Sunlight (2011)

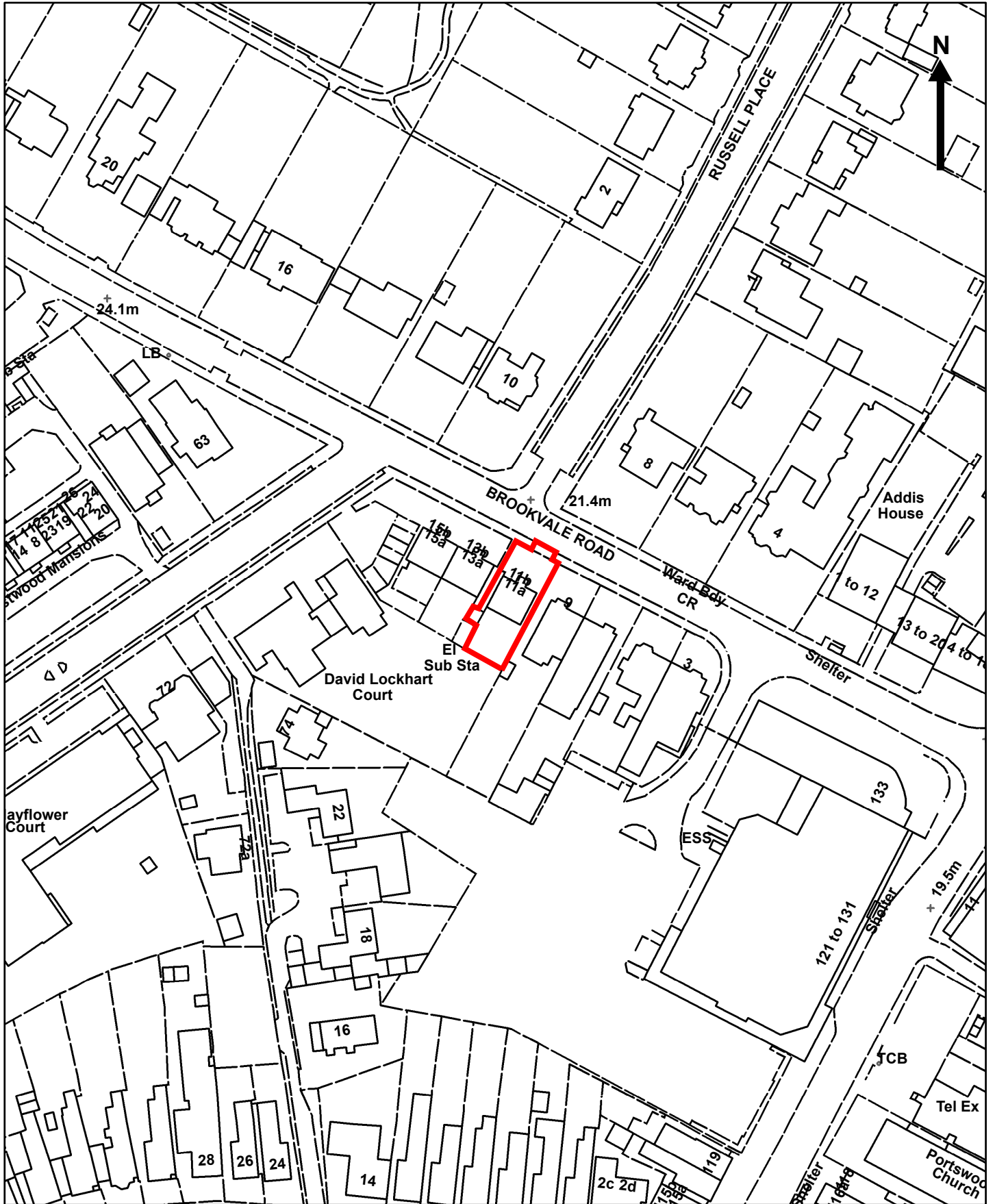
The National Planning Policy Framework (2021)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Agenda Item 6

21/01370/FUL

Appendix 1



Scale: 1:1,250

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Planning and Rights of Way Panel 24th May 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 34 Crofton Close Southampton			
Proposed development: Erection of a single storey rear extension (retrospective).			
Application number:	22/00383/FUL	Application type:	FUL
Case officer:	Connor Chalmers	Public speaking time:	5 minutes
Last date for determination:	06.05.2022 (EOT 27.05.2022)	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member/ Five or more letters of objection have been received	Ward Councillors :	Gordon Cooper Lisa Mitchell John Savage
Referred to Panel by:	Councillor Cooper	Reason:	Impact of the scope of this extension and the possibility that the owners may be planning an HMO in a residential estate
Applicant: Mr Lakhani		Agent: Birch Architects Ltd	

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 considering 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 (2021).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1. The site, its context and background to the scheme.

- 1.1 The application site contains a two-storey detached family dwelling house with an integral garage and front driveway. The property is located on a corner plot in a residential area characterised by large, detached dwelling houses of varying styles, set back from the main roads of the area in a quiet side street.
- 1.2 The property shares a rear boundary with neighbouring 33 Crofton Close where the properties are separated by a large brick wall further screened by tall mature planting along parts of the boundary. The eastern boundary is shared with 35 Crofton Close where the properties are separated by a timber fence.
- 1.3 The property has previously been extended, twice, firstly in 2002 with a two-storey rear extension which was built onto the rear wall, and in the same application with a single-storey rear extension which backed onto the south-east facing garage. The second extension in 2005 comprised of a single-storey side extension on the north-west facing side.

2. Proposal

- 2.1 The proposal is for the retention of a single-storey rear extension measuring 5.3m wide, 1.8m in length, and a height of 3.3m with the eaves sitting at 2.4m. The proposal also sees the existing west facing side extension risen by an additional 0.4m of height.
- 2.2 The proposals originally included a garage conversion to provide additional ground floor living accommodation. The applicant has removed these works from the application and amended plans have been received. Reconsultation was undertaken following receipt of these plans.

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 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, massing and appearance) of the Local Plan Review, and policy CS13 (Fundamentals of Design) of the Core Strategy, assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.

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 The original planning consent for the development of the estate restricted the ability to extend the property and erect new garages without planning permission (condition 10). It effectively removed 'permitted development'. In addition, Condition 16 of the same permission, removed the right to convert the existing garages without planning permission. Therefore the application property does not have permitted development rights to extend or convert the garage without express planning consent.
- 4.3 In 2002, permission for a two-storey rear extension and single-storey rear extension was conditionally approved under ref: 02/01010/FUL and has been fully constructed on site.
- 4.4 In 2005, permission for a single-storey side extension was conditionally approved under ref: 05/00483/FUL and has been fully constructed on the site.

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. A further notification took place following the removal of the garage conversion from the current application. At the time of writing the report **17 representations** have been received from surrounding residents and associations.

The following is a summary of the points raised:

- 5.1.1 A house with six bedrooms and potential for more on the plans with almost no usable garden may in the future become an HMO, exacerbating the already congested parking situation in Crofton close and changing the nature of this residential area.

Response

This is not a relevant material consideration for this application. The additional bedroom on the original plans via a proposed garage conversion has been removed through amended plans. The property will remain as a C3 dwellinghouse and is not proposed to be changed to C4 House in Multiple Occupation use. Any such future change would require a further application, consultation and Council approval.

- 5.1.2 Overdevelopment and impact on visual amenity

Response

The impact of the extension on the visual amenities of the area and the overdevelopment of the site concerns will be considered in Section 6 below.

- 5.1.3 Development exceeds 50% of the curtilage allowed under Permitted Development (PD)

Response

This is not a PD check. Permitted development allows for extensions and

outbuildings that cover no more than 50% of the total curtilage of the site. If buildings cover more than 50% of the curtilage of the site, planning permission is required. The property does not have any permitted development rights, therefore the 50% reference is not relevant to this application.

- 5.1.4 Unauthorised loft conversion has been carried out, which requires planning permission. The original planning condition should be amended to restrict the ability to carry out a loft conversion.

Response

Converting attic space into additional living accommodation is not always 'development' for the purposes of Planning control. A site visit has been undertaken by officers, which has confirmed that the existing loft has been converted into additional bedrooms. Whilst extensions and new garages are prohibited on the property without express planning consent, this does not include internal alterations which allow loft conversions to take place. The suggestion to amend the original condition to prevent further loft conversions has no planning justification and would not meet the 6 tests outlined in National Planning Practice Guidance for imposing planning condition – they cannot be imposed retrospectively.

- 5.1.5 Application has been submitted after the works have taken place.

Response

The UK's planning system confirms that undertaken development without planning permission is not in itself unlawful. Similarly it does not follow that all retrospective development is harmful. The Council's Planning Enforcement Policy echoes the National Planning Policy Framework, which states that enforcement action is discretionary, and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development carried out before the date of the application' (para 6). Following local complaints the applicant was invited to apply ahead of the Planning Department taking matters further through Planning Enforcement. An application cannot be refused on grounds that it is retrospective. When considering the development regard has to be had to Government guidance and the policies contained within the Development Plan. Officers do not condone retrospective development but must work within the limits of current Planning legislation and guidance.

- 5.1.6 Impact on street parking

Response

Impact on parking behaviour will be considered in Section 6 below, however the extension the subject of the application relates to a kitchen extension and does not facilitate additional bedrooms. Therefore, there is no additional requirement for either on or off site parking.

- 5.1.7 Request for trees in the application site be made the subject of a TPO

Response

The planning application process is not the appropriate process for promoting a Tree Preservation Order. A TPO is also unlikely to be granted on smaller Conifer trees as they are not the subject of immediate threat from development and do not contribute significantly to the visual amenity of the area. The request has been forwarded to the Council's Tree Officer

Consultation Responses

5.2

Consultee	Comments
Cllr Gordon Cooper Inc. Panel referral	<p>" I see on the supporting details they say the work started on the 10th January; this is untrue the work was already well under way with the RSJ in the roof space in December when I requested a Stop Order to be issued. This is just one error I have noticed and there is no reference to that work"</p> <p>Several neighbours are concerned about the impact of the scope of this extension and the possibility that the owners may be planning an HMO in a residential estate. HRA will be commenting on the plans in the usual way. I think they have a legitimate concerns, particularly as there appears to be a flagrant ignoring of the planning process here.</p> <p>As a result, I would request that this case is brought before the planning panel.</p>
Highfield Residents' Association	<p>Highfield Residents' Association objects to this Planning Application (retrospective) for a plot that has already been constricted by previous significant single and two storey extensions. Planning Permission for these extensions were approved in Ref. No: 02/01010/FUL Validated: Wed 17 Jul 2002 Status: Approved and Ref. No: 05/00483/FUL Validated: Thu 31 Mar 2005 Status: Approved</p> <p>There is currently a SCC enforcement notice (2/00110/ENUDEV, 08/02.2022) under continued monitoring due to unlawful development.</p> <p>Highfield Residents Association objects on the grounds that it is incomplete, inaccurate, breaks a previous Planning Condition for the estate and is overdevelopment of an already constricted site.</p>
	<p>I submit this abbreviated objection in outline to cover the main issues...</p> <p>- Overall this development is an over-intensification of use converting a four bedroom property into one of eight bedrooms.</p>

<p>North So'ton Community Forum</p>	<ul style="list-style-type: none"> - Similarly the massing and scale of the current building is an over-development which leaves virtually no amenity space and is out of scale with the rest of Crofton Close. - Consequently this constitutes a material harm and damages the character and amenity of the Estate. - The conversion of a garage to a bedroom and ensuite is contrary to Condition 16, which has been upheld by three previous Planning Inspectors and if allowed, would create a precedent from which the Council would have difficulty in defending in the case of further future applications, which would surely follow and damage the integrity of the rest of the estate. - The impact on Parking is obvious and was a major consideration in the refusal of the Appeal for No 5 Crofton Close. - The NPPF requires, even for PDRs, that consultation must take place with the neighbours and not only was this not carried out, but attempts by neighbours to ascertain what was happening was consciously rebuffed. <p>For all the above reasons we ask for this application to be refused under delegated powers as the breaches of Planning Control are so manifest and deliberate.</p>
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6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
1. Impact on neighbouring residents and;
 2. Impact on the character and appearance of the local area; and
 3. Impact on parking

6.2 Impact on residential amenity.

- 6.2.1 The application site is bordered by No.33 Crofton Close to the North-East and No.35 to the South-East. Both neighbours have objected. The rear garden of the application site backs on to the side boundary with No.33. The extension is located in the north west corner of the application site, which at most can be seen from the front elevation and parking area of No.33. The extension is low level, single storey, and relatively small in depth; and therefore does not result in any significant loss of light or outlook from the front parking area of No.33. Similarly the development is sufficiently distanced from the neighbouring boundary with No. 35 and would not result in adverse impacts on neighbouring privacy, daylight received, and current outlook.
- 6.2.2 There are also local concerns that this extension result in the overdevelopment of the site and would leave the property with an unsuitably sized rear garden. The Residential Design Guide (RDG - 2006) states in section 2.3.12 that extensions should maintain a garden area that allows for practical use and reflects the established character of the area and the size of the house. For a detached property it specifies a minimum garden size that maintains a depth of 10m and an area of 90sq.m, unless it can be demonstrated that smaller garden sizes are typical of the character of the area. For this specific property, at

the time it was built the depth of the garden was already less than 10m (9.43m). The lack of depth of the rear garden is compensated for with a wider rear garden which gives it a remaining total area of 86.1sq.m once the proposed extension has been accounted for. This shortfall of 3.9sq.m is not considered to be significant and would not warrant a reason for refusal regarding the living environment for future occupiers. Officers would have difficulty arguing harm at an appeal on this basis given that the remaining external space is flat and useable and, as such, the application proposals are not considered to result in an overdevelopment of the site or a poor quality external living environment for the occupiers.

- 6.2.3 It is not considered that that proposed extension would result in significant overbearing, overlooking or overshadowing impacts on the amenities of nearby occupiers, nor would it harm the amenity of the occupiers of the host dwelling. On this basis the proposal is considered acceptable when assessed against saved Local Plan policy SDP1(i) and the relevant sections of the approved RDG.

6.3 Design and effect on character

- 6.3.1 This application proposes a single storey extension to a 2 storey dwelling and is not uncommon. The corner plot location of the application site provides a high degree of visibility of the existing side extension and rear extension within the street scene. The proposed single-storey rear extension has been designed in such a way that the bulk of the western side elevation of the structure has been built into the existing side boundary brick wall. The use of a hipped roof design helps to reduce visual scale of the addition and the extension integrates well with the design and materials of the existing single-storey side extension and is proportionate with the scale of the existing dwelling. For these reasons, it is not considered to detract from the character of the existing property or result in an incongruous or harmful addition to the street scene.

- 6.3.2 In addition, the resulting scale and footprint of the host dwelling following the proposed addition (approximately 148sq.m) would be comparable with neighbouring and nearby large properties in Crofton Close including No.29 Crofton Close (approximately 139sq.m) and No. 1 Crofton Close (approximately 138sq.m). As such, the extension is considered to be a proportionate addition to the existing property and would not be harmful to the pattern of development locally or to the character and appearance of the area. On this basis, the proposals are considered to be acceptable and would comply with the requirements of the relevant Development Plan policies listed above, and guidance contained within Section 12 of the NPPF.

6.4 Parking highways and transport

- 6.4.1 A number of local third-party objections made direct reference to the issues of parking on Crofton Close. Officers recognise the concerns. However, this application only relates to a modest single storey rear extension and raising the roof height on an existing side extension. These alterations do not increase the number of bedrooms on the property and do not generate additional on-site parking. As such the proposals themselves do not directly impact on street parking behaviour.

7. Summary

7.1 In summary, the proposals would integrate well with both the character of the property and the surrounding area. In addition, this proposal will not have a negative impact for neighbouring properties and the proposals would comply with the relevant Development Plan policies.

8. Conclusion

8.1 It is recommended that retrospective planning permission be granted subject to the conditions set out below.

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)

Connor Chalmers PROW Panel 24.05.2022

PLANNING CONDITIONS

01. Materials in accordance with submission (Performance)

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 be in accordance with the submitted plans and information hereby approved.

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.

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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

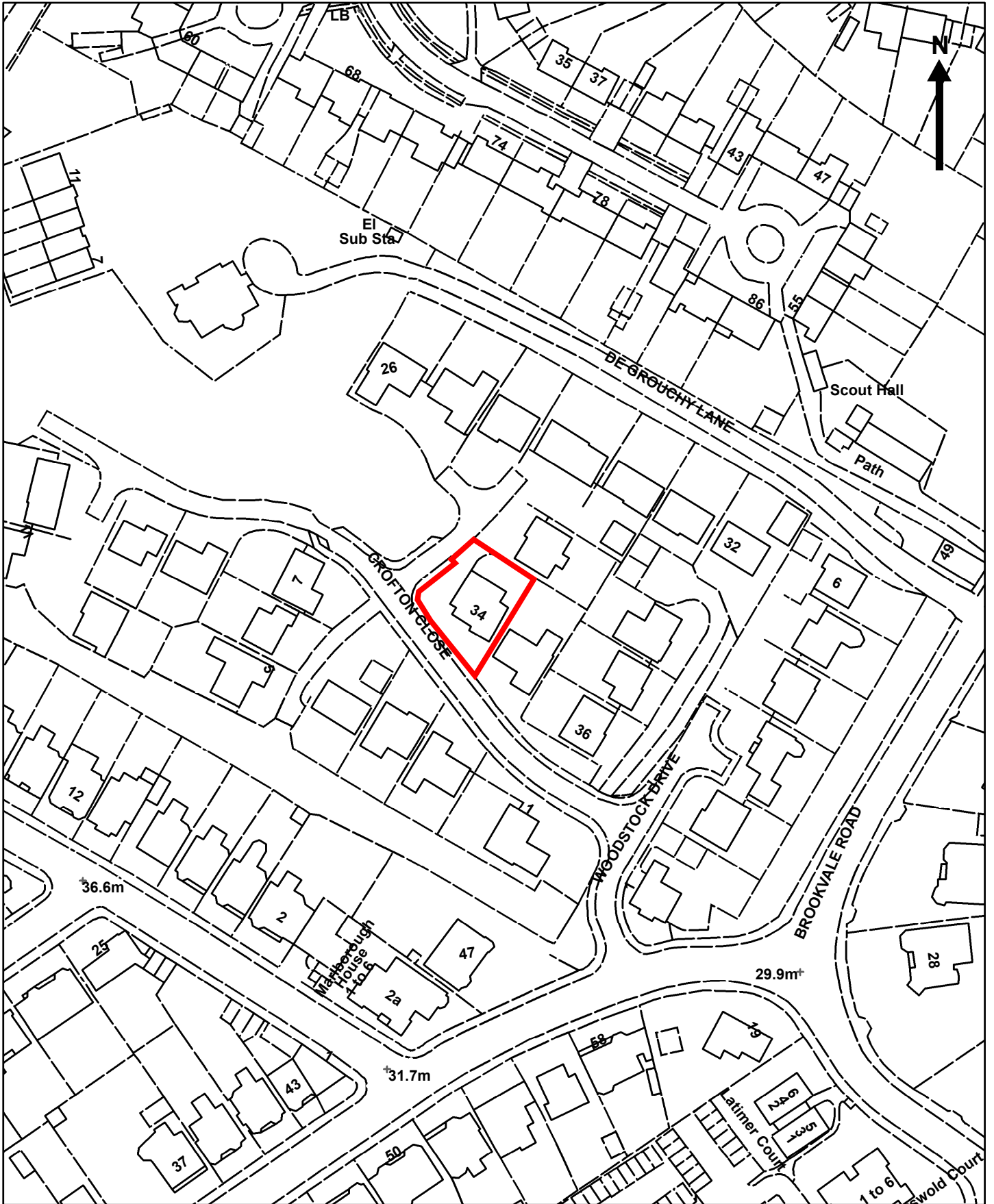
Relevant Planning History

Case Ref	Proposal	Decision	Date
02/00278/FUL	Two storey extension to side and rear	Application Refused	16.04.2002
02/01010/FUL	Two storey rear extension and single storey rear extension	Conditionally Approved	20.09.2002
900255/W/(34)	CHANGE OF USE OF OAKMOUNT HOUSE TO 4 FLATS REDEVELOPMENT OF REMAINING SITE BY ERECTION OF 33 HOUSES WITH ASSOCIATED CAR PARKING STRUCTURED LANDSCAPING OF OPEN SPACE	Conditionally Approved	29.08.1990
05/00483/FUL	Erection of a single storey side extension	Conditionally Approved	26.05.2005

Agenda Item 7

22/00383/FUL

Appendix 1



Scale: 1:1,250

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Planning and Rights of Way Panel 24th May 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 3 Raymond Road, Southampton			
Proposed development: Erection of part two-storey, part single-storey front and rear extensions, a single storey side extension; and roof alterations including increased ridge height, roof lights and side facing dormer window.			
Application number:	21/01769/FUL	Application type:	Householder
Case officer:	Laura Treagus	Public speaking time:	5 minutes
Last date for determination:	25.01.2022	Ward:	Shirley
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Hannah Coombes Cllr Satvir Kaur Cllr Alexander Winning
Applicant: Mr Amit Wagadia		Agent: JaGs ArchiTechs Ltd	

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 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 (2021). Policies –CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7 and, SDP9 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 The application site comprises a two-storey, detached dwellinghouse on the northern side of Raymond Road, featuring buff-coloured brick with white rendering, white fenestration, and slate-tiled roof. The property comprises a long rear garden with an existing patio that spans the width of the rear elevation and an existing outbuilding.
- 1.2 The wider area is residential in character, predominantly comprised of detached dwellinghouses.

2. Proposal

- 2.1 The application proposes the erection of a part two-storey, part single-storey front and rear extensions, a single storey side extension; and roof alterations including increased ridge height, roof lights and side facing dormer window.
- 2.2 The proposed two-storey extension would infill the current L-shaped footprint at the rear of the property. The extension would allow for a reconfiguration of the first-floor layout and the provision of an additional bedroom and two en-suites at first floor level. The proposed bedroom would be served by a window on the rear elevation and two bathrooms would feature windows on the western side elevation. It extends 9.62m along the common boundary (5.63m at two storey) and has a width of 7.79m.
- 2.3 In order to facilitate the conversion of the roofspace into habitable accommodation, the application proposes increasing the ridge height of the roof from 8.4m to 8.8m and the erection of a dormer on the east facing roof slope, which would be set down from the ridge line and eaves by approximately 0.4m. These roof alterations would provide a bedroom and en-suite, with windows on the east side elevation serving the bedroom and stairwell.
- 2.4 The proposed single storey rear extension would extend 4.0m from the rear elevation of the dwellinghouse and would have an eaves height of approximately 3.3m with a flat roof profile. The existing outbuilding would be removed.
- 2.5 At the front of the property the existing two-storey bay window feature would be squared-off and a first-floor extension would be sited above the existing ground-floor 'lobby'.
- 2.6 Additionally, the application proposes the erection of a single-storey garage on the eastern side of the dwellinghouse, extending 2.7m from the existing side elevation up to the shared boundary with the neighbouring property No.1 Raymond Road. The proposed garage would have a flat roof profile with an eaves height of 2.6m, with traditional up-and-over garage doors.
- 2.7 External facing materials would include brickwork to match the exiting dwellinghouse, white uPVC double glazed windows and doors, black uPVC

gutters and downpipes, and plain clay rooftiles to match.

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 2021. Paragraph 219 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 No relevant planning history on record.

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 **18 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The proposal represents overdevelopment of the site.***

Response

While the proposed extensions would increase the footprint of the dwellinghouse, the total site coverage remains below 50%. The site would retain a large, usable rear garden and, as such, the proposed scheme is not considered to result in overdevelopment of the site.

5.3 ***The proposal would result in the loss of a view from No. 7 Raymond Road.***

Officer Response

The loss of a private view is not a material planning consideration and cannot be taken into consideration in the decision-making process.

5.4 ***The proposal would result in a loss of light to neighbouring properties.***

Response

Due to the orientation, proximity, and relationship of the application property to neighbouring dwellings the existing dwelling overshadows the flank wall and breakfast room of the neighbouring property, No. 5 Raymond Road during the morning. While officers acknowledge that the proposed two-storey extension would result in a loss of diffuse light, particularly with regard to the

two side-facing windows, the overall impact is not considered to result in an unacceptable or adverse impact upon neighbouring amenity given the current arrangements and the proposed change.

5.5 ***The proposal would result in a loss of privacy to neighbouring properties.***

Response

The proposed side-facing windows would at first floor would serve bathrooms and would be conditioned to be obscurely glazed. The windows of the proposed dormer would face onto the blank roof slope of No. 1 Raymond Road and, as such, are not considered to reduce the level of privacy currently enjoyed by neighbouring occupants. In addition, the back-to-back separation distance between habitable rooms at first-floor would measure approximately 36m, in excess of the minimum separation distance of 21m as set out in section 2.2.4 of the approved Residential Design Guide (2006).

5.6 ***The proposal would result in increased traffic and parking issues.***

Response

The proposed scheme would increase the number of bedrooms from 4 to 5/6. The Parking Standards SPD (2011) states that the maximum provision for a 4+ bedroom dwelling is 3 spaces. Given that the application site will remain a single family dwellinghouse and that provision of fewer than the maximum number of parking spaces is permissible, it is not considered that the proposed scheme would have a detrimental impact upon parking amenity or local traffic.

5.7 ***The dwelling could be converted into a House in Multiple Occupation (HMO).***

Response

The application does not involve a change of use to an HMO. Converting the property to an HMO would require a separate planning application. The current scheme is limited to extensions and modifications to a family dwellinghouse and, therefore, the speculation of future applications is not a material planning consideration and cannot be taken into consideration in the decision-making process for this application.

Consultation Responses

5.8 None sought.

6.0 Planning Consideration Key Issues

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

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Impact on Parking

6.2 Principle of Development

6.2.1 The application site lies within an urban area in which dwellings in the immediate and nearby area have been extended and modified overtime and where the basic principle of development is considered to be acceptable. The planning assessment must now consider whether the nature, design and impact of the proposal are appropriate and in accordance with relevant Local Plan policies and supplementary guidance.

6.3 Design and effect on character

6.3.1 The proposed raising of the height of the roof would bring the ridge line broadline in line with neighbouring properties and is considered to be sympathetic to the character of the local area. A streetscene has been provided to show this relationship. The dormer window is considered modest in terms of scale and design, incorporating a set-down from the ridge line of the main roof and a set-back from the eaves, and is therefore considered to be an appropriate and acceptable addition to the existing dwelling.

6.3.2 The proposed alteration to the two-storey bay window feature and first-floor extension at the front of the property would change the appearance of the dwelling. However, these modifications are considered sympathetic to the existing dwelling and would not have a detrimental impact upon the appearance of the property or the character of the wider area.

6.3.3 The proposed single-storey garage on the eastern side of the property is considered modest in terms of scale and massing and is considered to be an appropriate addition to the existing dwelling, whilst maintaining separation between buildings in the wider streetscene.

6.3.4 The proposed rear extensions and changes to the roof form at the rear of the dwelling would not be visible from the adjacent highway and are not considered to have a harmful impact upon the character of the area. Additionally, a useable rear garden size of approximately 233sq.m would be retained, in excess of the minimum garden size of 90sq.m for a detached dwelling as set out in section 2.3.14 of the approved Residential Design Guide (2006).

6.3.5 The proposals would utilise a traditional palate of materials that would match or be similar in appearance to those of the existing dwelling in order to maintain the character and appearance of the existing property and the wider surrounding area.

6.3.6 On this basis, the proposed scheme is not considered inappropriate and will not have a harmful effect on the character of the application site and the wider surrounding area.

6.4 Residential amenity

6.4.1 The existing property features a single-storey and two-storey rear outshot. The proposed two-storey rear extension would infill the current staggered footprint at the rear of the property in line with the main dwellinghouse.

6.4.2 Neighbouring residents have raised concerns regarding overshadowing and loss of light from the raising of the roof and the two storey rear extension. In particular, concerns have been raised by the neighbouring dwelling to the west, No. 5 Raymond Road regarding the loss of light from to their 'breakfast room' on the ground floor. This room features one window on the rear elevation facing the rear garden and two windows on the side elevation facing towards the application site. By virtue of the north facing orientation of the rear elevation of these properties and east facing side windows, the existing dwelling already overshadows the neighbouring flank wall and breakfast room in the morning. Therefore, the potential of increased overshadowing and loss of sunlight to this room is restricted to the morning and is limited by the existing degree of overshadowing caused by the existing dwelling. On this basis the proposals would not significantly increase overshadowing or loss of sunlight to the neighbouring windows beyond the existing situation.

6.4.3

With regards to the loss of daylight, the neighbour has commissioned a daylight and sunlight report based on guidance by the Building Research Establishment (BRE), which seeks to demonstrate that the proposed extension does not comply with BRE daylight requirements. This is a material consideration and can be viewed on Public Access. In particular the report identifies that 'diffuse daylight' (light received from the sun that has been diffused through the sky) would be adversely affected by the proposed extension. In order to help quantify the loss of daylight, the BRE guide prescribes a Vertical Sky Component (VSC) test which is used to ascertain the amount of daylight a room receives. Diffuse daylight is considered adversely affected if, after a development or extension, the VSC is both less than 27% and less than 0.8 times its former value.

6.4.4

The submitted BRE report concludes the following:

The breakfast room at our client's property has three windows of equal size. The enclosed results confirm that the mean average VSC for the breakfast room windows is 21.33% before the development, and this would be reduced to 15.76% afterward. The daylight would therefore be reduced to 0.74 times its former value. Since the VSC after the extension is less than 27% and since the light is reduced to less than 0.8 times its former value, the proposed extension fails to meet the BRE guidelines.

6.4.5

Officer's acknowledge that the size, siting and design of the proposed extensions would result in some loss of daylight to these neighbouring ground floor windows in the side elevation and do not dispute the above findings. However, it must also be acknowledged that the breakfast room is also served by a third window in the rear elevation facing down the garden.

When assessed against the VSC, light to this third window is reduced from 26.1% to 23.7% (2.4% loss) and 0.91 ratio. Therefore, this loss would not be significant. In calculating the level of harm, the BRE guidelines advises that where there is a decrease in daylight or sunlight and such rooms fail to meets the guidelines, factors such as whether a small number of windows or limited area is affected, whether the loss of light is only just outside the guidelines, and/or whether an affected room has other sources of light, must be taken into account. In this instance the breakfast room is served by another light source, which would not experience any significant additional loss of daylight as a result of the extension.

6.4.6

Finally, it remains the case that the BRE Report is not a test to determine whether a development “Passes” or “Fails”, but rather “A Guide to Good Practice”. The BRE guide is a material consideration but does not form part of the Development Plan. Furthermore the National Planning Practice Guidance advocates flexibility when considering daylight and sunlight tests, which includes consideration of detailed design, which in this instance includes the relevance of the orientation and the fact that the affected room has an alternative source of light:

All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.

6.4.7

With this in mind, the additional loss of daylight to these windows beyond the existing situation is not considered to be significant, and is not considered substantial enough to warrant a stand-alone refusal reason. As such the proposal is not considered to result in a significant loss of amenity to the occupiers of the neighbouring property.

6.4.8

In terms of outlook, with regard to the window on the rear elevation of the breakfast room, the 45 Degree Line (as set out in section 2.2.11 of the Residential Design Guide) will be maintained as a result of the two-storey extension, retaining acceptable outlook. The proposed single-storey rear extension would contravene the 45 Degree Line, however as the extension would be single-storey it is not considered to have an unacceptable or adverse impact upon the outlook from the rear window.

6.4.9

By virtue of the existing first-floor rear projection, the proposed two-storey rear extension is not considered to have an impact upon the residential amenities of the neighbouring property to the east, No. 1 Raymond Road.

6.4.10

In terms of privacy, the additional side-facing windows at first floor would serve bathrooms and would be conditioned to be obscurely glazed. The retention of the existing side-facing window at first floor is not considered to

have an impact on privacy. Additionally, the windows of the proposed dormer would face onto the blank roof slope of No. 1 Raymond Road and, as such, are not considered to reduce the level of privacy currently enjoyed by neighbouring occupants. Furthermore, the back-to-back separation distance between habitable rooms at first floor would measure approximately 36m, in excess of the minimum separation distance of 21m as set out in section 2.2.4 of the Residential Design Guide (2006). As such, the application is considered to meet the requirements of saved Policy SDP1(i) from the Local Plan.

6.5 Impact on Parking

6.5.1 The proposed works would result in a 6-bedroom family dwelling. The maximum provision of car parking spaces would remain unchanged. The existing driveway and attached garage are capable of accommodating the required off street parking. On this basis parking provision in accordance with the council's parking guidance.

7. Summary

7.1 The proposed extensions are not considered to have a detrimental impact upon the character and appearance of the existing dwelling and the surrounding area, in accordance with CS13 of the City Council Local Development Framework Core Strategy, and, SDP1(i), SDP7 and SDP9 of the City of Southampton Local Plan Review (amended 2015).

7.2 Whilst the proposed scheme would have an impact on the neighbouring properties at No. 5 in terms of some loss of diffuse daylight, on balance this is not considered to amount to significant harm to residential amenity given the extent of existing degree of overshadowing and alternative light source serving this room. Therefore, the proposals would comply with saved Policy SDP1(i) of the City of Southampton Local Plan Review (amended 2015) and the guidance contained within the National Planning Policy Framework. As such, officers recommend approval of the application.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions set out below.

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)

Laura Treagus PROW Panel 24/05/22

PLANNING CONDITIONS to include:

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. Materials as specified and 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 development hereby permitted, shall be as specified on the approved plans. Where there is no materials specification on the approved plans, the materials 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.

4. Obscure Glazing (Performance Condition)

All windows in the side elevations, located at first floor level and above, in the side elevations 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.

5. 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.

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

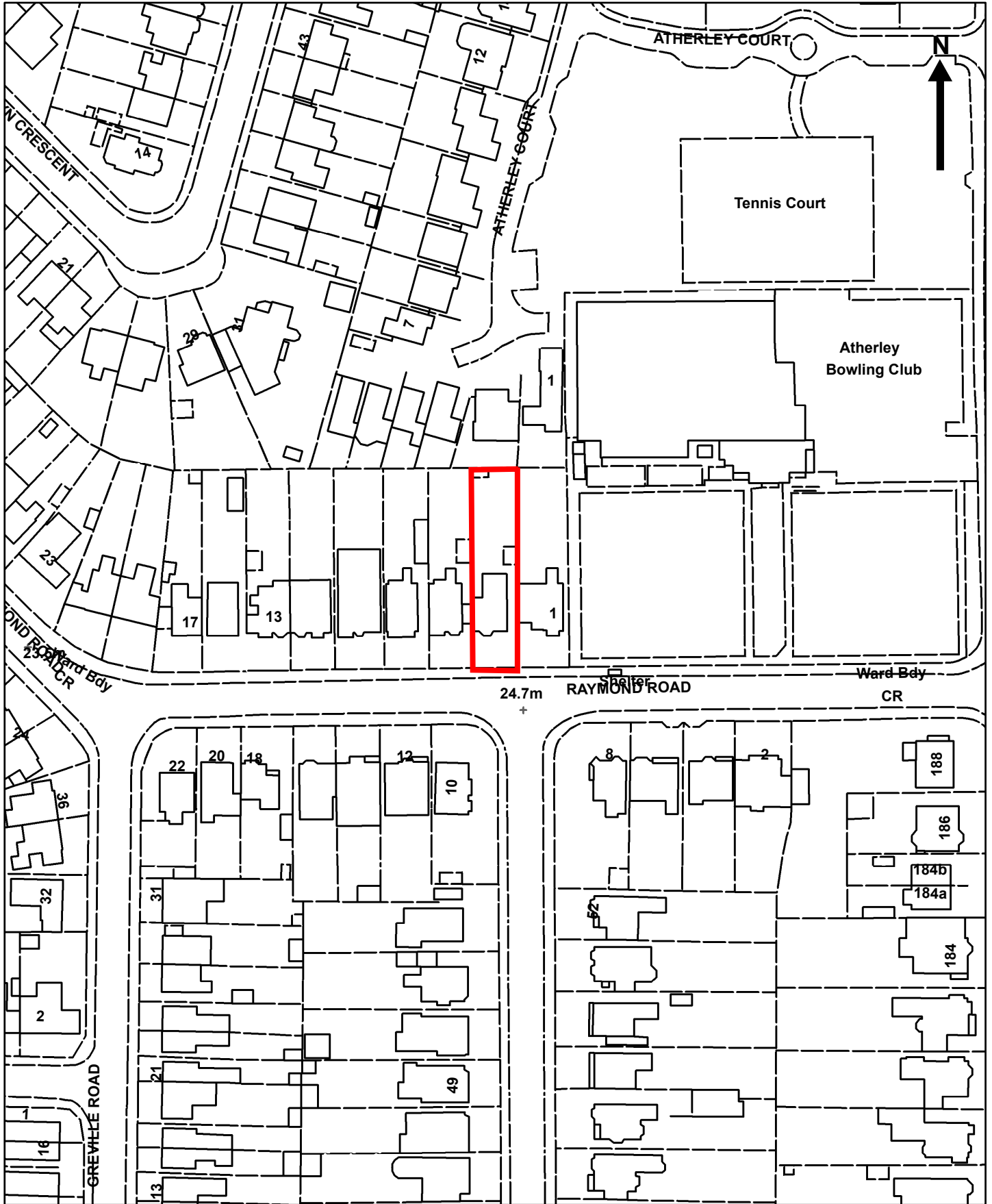
Residential Design Guide (Approved – September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

Agenda Item 8 21/01769/FUL



Scale: 1:1,250

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Planning and Rights of Way Panel 24th May 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 18 Milton Road, Southampton			
Proposed development: Change of use from a dwelling house (class C3) to flexible dwelling house (class C3) or a house in multiple occupation (HMO, class C4)			
Application number:	22/00448/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	31.05.2022 (ETA)	Ward:	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr D Paffey Cllr J Noon Cllr S Bogle
Applicant: Mr C Baena Blanco		Agent: Kingston Studio	

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 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 (2021).

Appendix attached			
1	Development Plan Policies	2	Planning History
3	40m radius assessment summary		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site contains a mid-terrace, two storey dwelling house with a small paved front garden enclosed by a low brick boundary wall and a long rear garden with access from a shared access path along the rear boundary of the property. Milton Road is a short walk to Bedford Place and the wider city centre across the parks.
- 1.2 The property is located within a residential area predominantly characterised by terraced housing. There is a high concentration of HMOs in the locality, which is north-west of the Bedford Place/London Road commercial area. Milton Road and the surrounding streets are mainly covered by a residents' parking permit scheme (Zone number 1, 8am-6pm Monday to Friday) with some short stretches of Milton Road and other roads also allowing 2 hours maximum parking.

2. Proposal

- 2.1 Planning permission is sought for flexible use of the property as either a C3 dwelling or a Class C4 House of Multiple Occupation (HMO) for up to 6 people.
- 2.2 There are no external changes proposed to the property. There are minor internal alterations to the layout of the property proposed, comprising the division of the large first floor front bedroom into two rooms and the conversion of the ground floor front and middle reception rooms into bedrooms.
- 2.3 The concentration of HMO properties within a 40m radius of this property has already breached the 80% minimum threshold at which an applicant may claim exceptional circumstances, as the make up of the area has reached a point at which the predominant character of the local area is for HMO properties rather than C3 single family dwellings. As such, and in line with our current HMO guidance, the applicant has provided appropriate marketing evidence to show that there has been no interest from tenants wishing to occupy the dwelling as a C3 single family use. This is discussed in more detail below.

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 2021. Paragraph 219 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 full schedule of the relevant planning history for the site is set out in **Appendix 2** of this report. Most relevant is a refusal of permission in 2017 for use of the property as a C4 HMO. This earlier refusal for HMO use was assessed using the same criteria as the current application, with the same 80% minimum threshold before exceptional circumstances could be triggered. The concentration of HMO properties within a 40m radius of the application site at the time, however, was only 72%, so the exceptional circumstances rule could not be triggered, and the application was refused.
- 4.2 The local concentration of HMO uses has increased in the intervening 5 years since this previous refusal. 4 properties that were previously counted in 2017 have now been excluded from the count due to further information being available to identify them as having been converted to flats with fewer than 3 bedrooms (No's 6, 24 and 25 Milton Road and No.7a Wilton Avenue).
- 4.3 2 additional HMO properties have been identified that were not counted in the 2017 assessment. 1 property that was previously not counted as an HMO due to there being insufficient clarity in the information available at the time (No.29 Milton Road), now has an active HMO licence and has been counted as such. 1 additional HMO property that was not previously identified as falling within the 40m radius of the front door of the application site (No.13 Wilton Avenue) has now been included within the 40m radius, following a review of the position of the front door of the property. Even if the previous 40m radius from 2017 is used for this assessment, and No.13 Wilton Avenue is not counted, the HMO concentration would still exceed the 80% minimum threshold for exceptional circumstances.
- 4.4 The current assessment indicates that the 80% threshold for exceptional circumstances has now been reached and the applicant is now able to claim exceptional circumstances, as explained in more detail below.

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 on **08.04.2022** and **15.04.2022**. At the time of writing the report **7 representations** have been received; including 2 objections from local Ward Councillors. The following is a summary of the points raised:

- 5.2 **There are too many HMO properties in the area already. Too many HMO landlords have bought property here, not giving the public a chance to buy property.**

Officer Response

It is acknowledged that the 10% threshold assessment detailed within the HMO SPD has already been exceeded within a 40m radius of the site. It is important to note, however, that the Council's adopted threshold for exceptional circumstances has now been reached (at least an 80% concentration of HMOs within the 40m radius area) and therefore exceptional circumstances can be considered for this application - para 4.5.2 HMO SPD 2016 refers.

5.3 The proposal will result in the 'sandwiching' of No.20 Milton Road with HMO uses to either side.

Officer Response

No.20 Milton Road has been previously licenced as an HMO and an investigation by Planning Enforcement in 2019 found that it was operating as an HMO. As such, the proposal will not result in 'sandwiching' of a C3 dwelling with HMO uses to either side.

5.4 Additional HMOs will cause problems for parking.

Officer Response

Parking impacts are addressed in the Planning Considerations section below.

5.5 The proposal will cause nuisance in terms of rubbish and noise.

Officer Response

These issues are addressed in the Planning Considerations section below.

5.6 Consultation Responses

5.7 Cllr J Noon

Further HMO's in the area will have a detrimental impact on Milton Road and the rest of the Polygon.

5.8 Cllr S Bogle

Objection to this application due to high concentration of HMOs in this street and area and impact on amenity and parking.

Officer response

Local Councillors concerns are noted and these issues are addressed in the Planning Considerations section below.

5.9 Environmental Health

No objection.

6.0 Planning Consideration Key Issues

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

- The principle of development;
- The impact on the character of the area;
- The impact on the residential amenity of neighbouring residents;
- The impact on the residential amenity of future occupiers and;

- The impact on local parking amenity.

6.2 Principle of Development

- 6.2.1 Planning permission is sought for flexible use of the property as either a C3 dwelling or a Class C4 House of Multiple Occupation (HMO) for up to 6 people. As per the HMO Supplementary Planning Document (HMO SPD), revised in 2016, a condition can be applied to allow swapping between a C3 single family dwelling and a C4 HMO use for a period of 10 years without the need for planning permission. This 'flexible' type of permission enables the owner to rent to both families and sharers without the need for further permission and enables the existing property to be returned to use as a family dwelling at any time by way of a change of tenants, as the building structure would remain unchanged and the minor alterations to the internal layout would not prevent the property returning to the previous use as a C3 family dwelling.
- 6.2.2 The change from a C4 HMO use back 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 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 households or for those with lower incomes and is therefore, acceptable in principle.

6.3 Impact on the character of the local area

- 6.3.1 The threshold assessment shows that the initial 10% maximum threshold for HMO concentration has been significantly breached within a 40m radius of the front door of the application site. However, the HMO SPD also allows for an exception test, which applies where it is proven there is a concentration of HMOs greater than 80%. The application has demonstrated that the concentration of the area has now met the 80% threshold and therefore claims for exceptional circumstances can be made. The existing concentration of HMOs within the 40m radius is now at 85%. To support their claim, the applicant has sought to demonstrate that the property has been marketed as a C3 family dwelling for at least 6 months with no interest (Section 4.5 of the HMO SPD (amended 2016) refers).
- 6.3.2 Exceptional circumstances apply to situations where the existing concentration of HMO properties is very high and the retention of remaining C3 dwellings *"will have little effect on the balance and mix of households in a community which is already over-dominated by the proportion of existing HMO households. Therefore, the conversion of the remaining buildings to a HMO would not further harm the character of the area"* (para 4.5.2 HMO SPD 2016).

6.3.3 The applicant has submitted marketing evidence from Cryers letting agency, detailing an active marketing period of just over 6 months from 16th June 2021 to 19th December 2021, demonstrating that the property was advertised as a C3 single family dwelling, at a reasonable market rate, with no viable interest from tenants wishing to occupy the property as a C3 use. As such, the requirements for claiming exceptional circumstances have been met. This test recognises the difficulty that property owners may have in letting or selling in an area with a predominant HMO character.

6.3.4 Given the discussions above, it is considered that the concentration of HMOs in the local area has reached such a point that the predominant character of the area has already changed from one of C3 residential dwellings to C4 HMO uses. The Applicant has met the requirements for claiming exceptional circumstances and the proposal is not, therefore, considered to cause significant additional harm to the character of the local area or further imbalance the area beyond the existing mix and character of the area.

6.3.6 In terms of physical impacts, the front boundary wall of the property has recently been altered to create an alcove for the designated storage of bins on site, so that they do not obstruct the footpath on collection days, reducing street clutter. These changes would not result in harm to the visual amenity of the area.

6.4 Impact on the residential amenity of neighbouring residents

6.4.1 As noted above, the character of the local area is already predominantly HMO properties. It is also worth noting that the immediately neighbouring properties to either side of the application site, No's 16 and 20, are both operating as existing HMO uses. The nearest C3 residential property is No.15 Milton Road on the opposite side of the road, followed by No.24, which is 10m to the west and No.10 which is 20m to the east of the application site. As such, the proposal for 1 additional HMO use is not considered to have a significantly harmful impact on the amenity of neighbouring residents in terms of noise and disturbance.

6.5 Impact on the residential amenity of future occupiers

6.5.1 The proposal involves minor internal alterations to the property resulting in the creation of 1 additional bedroom at first floor by dividing the previous large front bedroom into 2 rooms, and converting the existing 2 front reception rooms at ground floor into 2 further bedrooms. Each bedroom has good light and outlook via windows to the front and rear of the property. The proposal would retain a communal living space on the ground floor with lounge and kitchen area with direct access to the rear garden amenity space. A condition is recommended to secure retention of the communal living space.

6.5.2 Each of the bedrooms and the communal kitchen/lounge would comfortably exceed the minimum size standards set by HMO licencing, as shown below.

Two shower rooms are provided. Therefore occupants would be provided

Room	Size	HMO Licencing minimum standard:
Communal Kitchen /Lounge	24m ²	13m ² for 6 people
Ground floor front bedroom	14m ²	6.5m ² (Where there is communal space elsewhere)
Ground floor rear bedroom	12.5m ²	
First floor front left bedroom	9m ²	
First floor front right bedroom	9.6m ²	
First floor middle bedroom	9.5m ²	
First floor rear bedroom	10.9m ²	

with a good standard of living:

6.5.3 Secure cycle storage with suitable cycle stands have been proposed in the existing shed within the rear garden, which is large enough to accommodate 6 cycles and has good access from the shared access path along the rear of these terraced properties.

6.5.4 As mentioned above, there is an alcove within the existing front boundary wall for the storage of wheelie bins, so that they do not obstruct the public footpath on collection days. Storage of bins to the front of the dwelling is consistent with the existing situation for the majority of properties along Milton Road.

6.6 Impact on local parking amenity

6.6.1 Although there is no off-street parking provided, this is not unusual for the majority of properties along Milton Road. This road and surrounding roads are restricted to either residents' permit parking only, or a maximum of 2 hours parking without a permit. 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. The proposal would not result in the property being entitled to any more parking permits than existing.

6.6.2 Furthermore the site is very close to local amenities within Bedford Place and London Road, and to the City Centre itself. As such, the proposal is not considered to have a harmful impact on the levels of parking available in the local area.

7. Summary

7.1 The proposal for the conversion of the property to a flexible use as a C3 dwelling or C4 HMO is considered to be acceptable in principle, as exceptional circumstances have been demonstrated in relation to the threshold test, and the proposal shall not cause unacceptable harm to the character of the local area, to the amenity of neighbouring residents or local

parking amenity. In addition, the amenity of future occupants of the host dwelling would not be harmed.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions set out below

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) (vv) 6. (a) (b) 7. (a)

Anna Coombes PROW Panel 24.05.2022

PLANNING CONDITIONS

01. Full Permission Timing (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. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

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

03. Refuse & Recycling (Performance)

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.

04. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation/use, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved for the lifetime of the development.

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

05. Dwelling House and House in Multiple Occupation Dual Use (Performance)

The dual Use Class C3 (dwelling house) and/or Use Class 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. 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

Note: Before the building can be occupied as a single dwelling any HMO license may need to be revoked.

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

The rooms labelled kitchen/lounge 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 6 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason: To ensure that suitable communal facilities are provided for the residents, and in the interests of protecting the amenities of local residents.

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	Context
SDP10	Safety and security
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation SPD (revised 2016)

Other Relevant Guidance

The National Planning Policy Framework (2021)

Relevant Planning History:

Case Ref:	Proposal:	Decision:	Date:
1443/237	The erection of a bathroom and general improvements.	Conditionally Approved	05.09.1972
17/00838/FUL	Change of use from dwelling house (use Class C3) to house in multiple occupation (HMO use Class C4)	Application Refused	11.10.2017

REASON FOR REFUSAL - Impact on the character of the local area

The proposed conversion of the property to a House in Multiple Occupation (HMO) will result in an excessive concentration of HMO's within the immediate area and will result in an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. As such, the proposal is contrary to saved policies SDP1 (i) and H4 (ii) of the City of Southampton Local Plan Review (as amended 2015) and Policy CS16 of the adopted Local Development Framework Core Strategy Development Plan Document (as amended 2015), as supported by the adopted Houses in Multiple Occupation Supplementary Planning Document (May 2016).

40m radius assessment summary



		Property type	Notes	C3/C4 use	Counted ?
Milton Road	3	Terraced	5 bed HMO (rightmove)	C4	Yes
	4	Flat	2 bed (zoopla) - Excluded	C3	No
	4A	Flat	2 bed (zoopla) - Excluded	C3	No
	5	Flat	2 bed (zoopla) - Excluded	C3	No
	5A	Flat	2 bed (zoopla) - Excluded	C3	No
	6	Flat 1	2 bed (planning ref: 1271/15) - Excluded	C3	No
	6	Flat 2	2 bed (planning ref: 1271/15) - Excluded	C3	No
	7	Terraced		C4	Yes
	8	Terraced		C3	Yes
	9	Terraced		C4	Yes
	10	Terraced		C3	Yes
	11	Terraced		C4	Yes
	12	Terraced		C4	Yes
	13	Terraced		C4	Yes
	14	Terraced		C4	Yes
	15	Terraced		C3	Yes
16	Terraced		C4	Yes	

	17	Terraced		C4	Yes
	18	Terraced	Application Site	C3	Yes
	19	Terraced		C4	Yes
	20	Terraced		C4	Yes
	21	Terraced		C4	Yes
	22	Terraced		C4	Yes
	23	Terraced		C3	Yes
	24	Flat	1 bed (rightmove) - Excluded	C3	No
	24a	Flat	1 bed (rightmove) - Excluded	C3	No
	25	Flat	2 bed Planning ref: 1298/30 - Excluded	C3	No
	25a	Flat	2 bed Planning ref: 1298/30 - Excluded	C3	No
	26	Terraced		C4	Yes
	27	Terraced		C4	Yes
	28	Terraced		C4	Yes
	29	Terraced		C4	Yes
	30	Terraced		C4	Yes
	31	Terraced		C4	Yes
	32	Terraced		C4	Yes
	33	Terraced		C4	Yes
	34	Terraced		C4	Yes
Wilton Avenue	--	Care Home	Wilton Manor Care Home – Excluded	--	No
	1	Terraced		C4	Yes
	3	Flat	Originally a 6 bed house (rightmove) converted to 6 flats (SCC SoMap Gazeteer) - Excluded	C3	No
	3	Flat		C3	No
	3	Flat		C3	No
	3	Flat		C3	No
	3	Flat		C3	No
	3	Flat		C3	No
	5	Terraced		C4	Yes
	7	Flat	3 bed flat - Included	C4	Yes
	7a	Flat	2 bed (zoopla) - Excluded	C3	No
	9	Terraced		C4	Yes
	11	Terraced		C4	Yes
	13	Terraced		C4	Yes
				C3/C4 use	Counted ?
		Total:	28	33	

Existing: 28 / 33 properties

85% existing HMO concentration (84.8%)

Proposed: 29 / 33 properties

88% proposed HMO concentration (87.9%)

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Planning and Rights of Way Panel 24th May 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 11 Russell Place, Southampton			
Proposed development: Erection of a rear roof extension (amendment to 19/01447/FUL).			
Application number:	22/00403/FUL	Application type:	FUL
Case officer:	Tom Barnett	Public speaking time:	5
Last date for determination:	10.05.2022	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member/ Five or more letters of objection have been received	Ward Councillors:	Cllr Lisa Mitchell Cllr Gordon Cooper Cllr John Savage
Referred to Panel by:	Councillor Cooper	Reason:	For the reasons outlined in the objection letters
Applicant: Mr and Mrs Banga		Agent: Advoco Planning Limited	

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 39-42 and 46 of the National Planning Policy Framework (2021). Policies – CS13 and CS14, of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9 and HE1 of the City of Southampton Local Plan Review (Amended 2015) and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 The application site is a detached family dwelling within Porstwood Residents' Gardens Conservation Area (designated in 1996) where 'permitted development' rights have been removed.
- 1.2 The current property is a brick-and-tiled dwelling of 2 storeys set back from the road frontage to the northern end of Russell Place. The dwelling is an unlisted building. The property is visible to numerous dwellings situated on Abbots Way as well as Russell Place.
- 1.3 The existing property has previous extensions and alterations, including a part single-storey, part two-storey rear extension and the addition of a pitched roof to the side garage approved in 2005. The replacement of the roof to the rear elevation with a fully pitched roof with an infill gable end was granted under application 19/01447/FUL. This approval has not been implemented.

2. Proposal

- 2.1 The proposal relates to a minor amendment to the design of the previously approved 19/01447/FUL application. The amended roof would be set 0.5m lower than the main roof, which is lower than the previous scheme, which had a steeper pitch descending from the top of the existing ridge. The new roof would incorporate 3 rooflights to facilitate a loft conversion and serve the new en-suite bedroom in the roof. In addition the existing roof will be retiled to be of a similar appearance to the existing property.

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 2021. Paragraph 219 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.
- 3.3 In addition, the proposals need to meet the requirements set out under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990: whether the proposal would preserve the building, and its setting and whether the proposal would preserve or enhance the character or appearance of the

Conservation Area.

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. This application relates to a deviation from the development approved under application 19/01447/FUL for the 'Replacement roof to rear elevation with fully pitched roof with infill gable end following removal of existing flat roof. Also replacement of all existing roof tiles.'

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 on 30.03.2022. At the time of writing the report **8 representations**; including 5 letters objections, 1 support, 1 neutral and 1 Panel referral from a ward councillor on behalf of residents objection have been received. The following is a summary of the points raised:

- 5.2 The 1 letter of **SUPPORT** was received from the City of Southampton Society. Their comments are provided below in the list of 'consultation' responses.

- 5.3 The following is a summary of the **OBJECTIONS** raised:

5.4 Increase living space, do building regulations look at this?

Response

The proposals will be subject to Building Regulations, which is a separate process.

5.5 The proposed rear windows would impact on privacy. Scaffolding works on going, impact on the view from Abbots Way

Response

The building works/scaffolding concerns are not a material consideration. The impact of the amended scheme on neighbour amenity will be assessed below. Despite the windows being larger to those approved, it is not too dissimilar to the existing rear elevation and the relocation would appear more sympathetic to the original dwelling and conservation area.

5.6 Concerns if the 22/00534/PLDC is permitted development, the cumulative works would result in overdevelopment in relation to the management plan of the conservation area and alongside other approved applications.

Response

The assessment of application 22/00534/PLDC for 'permitted development' works for single storey rear extensions is a separate process and not for

consideration under this application.

- 5.7 **The proposal would be out of character and not coincide with the relevant policies. “The Portswood Residents Gardens Conservation Area Appraisal and Management Plan (CAAMP, adopted April 2011) policy PRG 2 states that “any development proposals for the whole or partial demolition, redevelopment and/or extension of existing buildings must conform with the special characteristics of the Conservation Area” The PLDC should be decide alongside the current application.**

Response

The impact of the minor amendment will be assessed in Section 6 in terms of its design and impact on the character and appearance of the Conservation Area taking account of the Development Plan and all material considerations.

Consultation Responses

- 5.8 **Historic Environment** - No objection – materials to match
The proposed revisions to the rear roofline would not be too dissimilar to the previous arrangement at the rear, and as such, would have a minimal visual impact on the character or appearance of this part of the conservation area. Provided matching tiles and ridge tiles would be employed, no objections would be raised on this basis. Notwithstanding this, the new roofline appears to facilitate a new habitable space within the attic which may trigger other planning considerations.
- 5.9 **Cllr. Gordon Cooper** - I would like to formally request that this matter be brought before the Planning and Rights of Way Panel for the all the reasons outlined by these constituents.
- 5.10 **City of Southampton Society**
We are willing to support this application for a revised roof structure to that already approved under 19/01447/FUL. The extension cannot be seen from the front and the proposed changes are more aesthetically pleasing when viewed from the rear, with the lower roof line and repositioned windows.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development;
 - ii. Design & impact on character and appearance of the Conservation Area;
 - iii. Residential amenity; and,
 - iv. Impact on parking

6.2 **Principle of Development**

- 6.2.1 The proposals relate to extensions and alterations to an existing residential property. The principle of extending a dwelling is acceptable, however the property lies within the Portswood Residents Gardens Conservation Area, which is sensitive in terms of its historic character and formation. The area is covered by a Management Plan, and also an Article 4 Direction, which removes 'permitted development' rights. This includes extensions, alterations, replacement windows and doors, roof coverings, porches, sheds, hardsurfacing, removing walls, fences and erection gates, and external painting.
- 6.2.2 The application proposals include an amendment to the roof design approved in 2019 so the principle of development has already been established
- 6.2.3 The statutory tests for the proposal, as set out in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would '*preserve or enhance*' the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.2.4 In accordance with paragraph 189 of the NPPF, an assessment of the significance of the building within the Conservation Area is set out in the submitted Heritage Statement and the Council's Conservation Area Appraisal. Saved policies HE1 of the Local Plan, and CS14 of the Core Strategy also requires new development to *preserve or enhance* the character and appearance of the conservation area, having regard to the Character Appraisal. In support of the Development Plan policies and also a material consideration is the Portswood Residents Gardens Conservation area Character Appraisal and Management Plan (CAMP) (2010), which defines the special character of the area and provides design guidance for new development.
- 6.25 The key considerations for this application are the design and impact on the character and appearance of the Conservation Area and impact on residential amenity – both are considered below:

6.3 Design and effect on character

- 6.3.1 The CAMP contains two policies which are specifically relevant to these proposals: PRG2 (extensions) and PRG 11 (rooflights and dormer windows). PRG2 relates to 'Redevelopment and Extension of Existing Buildings' and states:

Any development proposals for the whole or partial demolition, redevelopment and/or extension of existing buildings must conform with the special characteristics of the Conservation Area set out in the Conservation Area Appraisal. These characteristics include the following: the historic layout and pattern of development in the area; the established building lines; building to plot ratios; the height, mass and scale of the buildings; plot boundaries; the distances between buildings, and the verdant spaciousness integral to the appearance and character of the Conservation Area. Any such proposals must address the detailed design criteria contained in the Core Strategy and those in this Management Plan.

- 6.3.2 PRG11, states that:

Proposals for roof lights and dormers on front elevations should be in keeping with the original house and require planning permission. Rear roof lights and dormers which fall outside Article 4 (2) may not require planning permission.

In this instance the proposed rooflights would be located to the rear but they form part of a roof addition and therefore they require planning permission.

- 6.3.3 A significant material consideration is the roof design approved under the previous planning permission 19/01447/FUL, which remains extant (could still be built out without the need for further consent). The approved roof comprised of a steeply slanted roof which met the highest part of the existing roof. The pitch of that roof did not match the pitch of the existing roof. In contrast the amended roof design would match the pitch angle of the existing roof and also be set 0.5m lower than the existing roof. This achieves a greater subservience with the existing property and allows the height of the existing roof to remain visible. Furthermore the proposed rooflights would be located proportionately within the roof pitch and would not dominate the roofslope. On this basis the proposed amendment to the roof design is considered to be an improvement on the previously approved design, which would enable the extension to relate more sympathetically and appropriately to the existing property. In addition the proposals would respect the special characteristics of the Conservation Area as it would not harm the height, mass and scale of the buildings, and therefore comply with PRG2 and PRG11 of the CAMP.

6.3.4 The Historic Environment Officer raises no objection to the proposals. Conditions will be imposed to ensure matching tiles and ridge tiles would be used.

6.3.5 In conclusion, the proposals are considered to be appropriate and sympathetic additions to the property and its contribution to the character and appearance of the Conservation Area. Subject to compliance with conditions, the proposals would comply with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies HE1 of the Local Plan and CS14 of the Core Strategy and the requirements of the Portswood Residents Gardens Conservation Area Management Plan (2010).

6.4 Residential amenity

6.4.1 Concerns have been raised by neighbouring properties that the proposals result in the loss of privacy and increased overlooking as a result of the extended dwelling. The proposals would not increase the depth of the extension approved under 19/01447/FUL however the rooflights would be larger than previously approved.

6.4.2 The existing property has a large rear garden facing towards the side boundary of 20a Abbots Way. Notwithstanding that the existing property has two storey windows overlooking this boundary, the rooflights would be positioned approximately 28m from the rear boundary of the neighbouring property. Paragraph 2.2.2 of the Residential Design Guide states:

‘To prevent over-development, loss of privacy and dominance over neighbouring houses and to secure a reasonable standard of amenity and outlook for all, it is important to leave an appropriate gap or space between neighbouring buildings and extensions...Spaces between buildings should ensure a reasonable outlook for occupants of lounges, dining rooms, kitchens and bedrooms.’

6.4.3 It goes on to state that *‘where habitable rooms face one another...minimum back-to-back distance standards between windows apply.’* In this instance, the minimum back to back distance between a three storey and two storey dwelling should be 28m. In this instance the rooflights face towards the side elevation of 20a Abbots Way and, therefore, do not face any habitable rooms. Coupled with the significant distance of 28m from the rear boundary, the proposed roof alteration does not result in any significant increase in overlooking or loss of amenity to neighbouring properties than already experienced from the existing dwelling and can, therefore, be supported.

6.4.4 On the above basis, the proposed roof amendment and rooflights are considered to be appropriately sited to avoid adverse impacts on neighbour amenity to prevent overlooking and loss of privacy to neighbouring properties.

6.5 Parking highways and transport

6.5.1 The proposed development will not add to existing parking demands because it does not create any additional residential units. The proposal does not seek to change the existing parking arrangements and as such the scheme will have a negligible impact on existing on-street car parking demands and will have no adverse impact on highway safety.

7. Summary

7.1 The proposed alterations to the property comprise of minor amendments to the extant planning permission granted under 19/01447/FUL for similar works. The proposed changes to the roof design are considered to be appropriate and proportionate to the existing property, and its contribution towards the special character and interest of this part of the Portswood Residents Gardens Conservation Area. The proposals are sympathetic in design and would not give rise to any material harm to the natural light or outlook currently enjoyed by the occupants of the neighbouring dwellings. On this basis the proposals are considered acceptable and the application is recommended for approval.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions set out below.

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)

Tom Barnett PROW Panel 24.05.2022

PLANNING CONDITIONS to include:

Condition 1 - Full Permission Timing (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).

Condition 2 - Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

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

Condition 3 - Materials to match (Performance)

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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS7 Safeguarding Employment Sites
CS13 Fundamentals of Design
CS14 Historic Environment
CS19 Car & Cycle Parking
CS22 Promoting biodiversity and protecting habitats

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
SDP12 Landscape and Biodiversity
SDP16 Noise
SDP17 Lighting
HE1 (New Development in Conservation Areas)

Supplementary Planning Guidance

Residential Design Guide SPD (2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)
Portswood Residents Gardens Conservation Area Management Plan

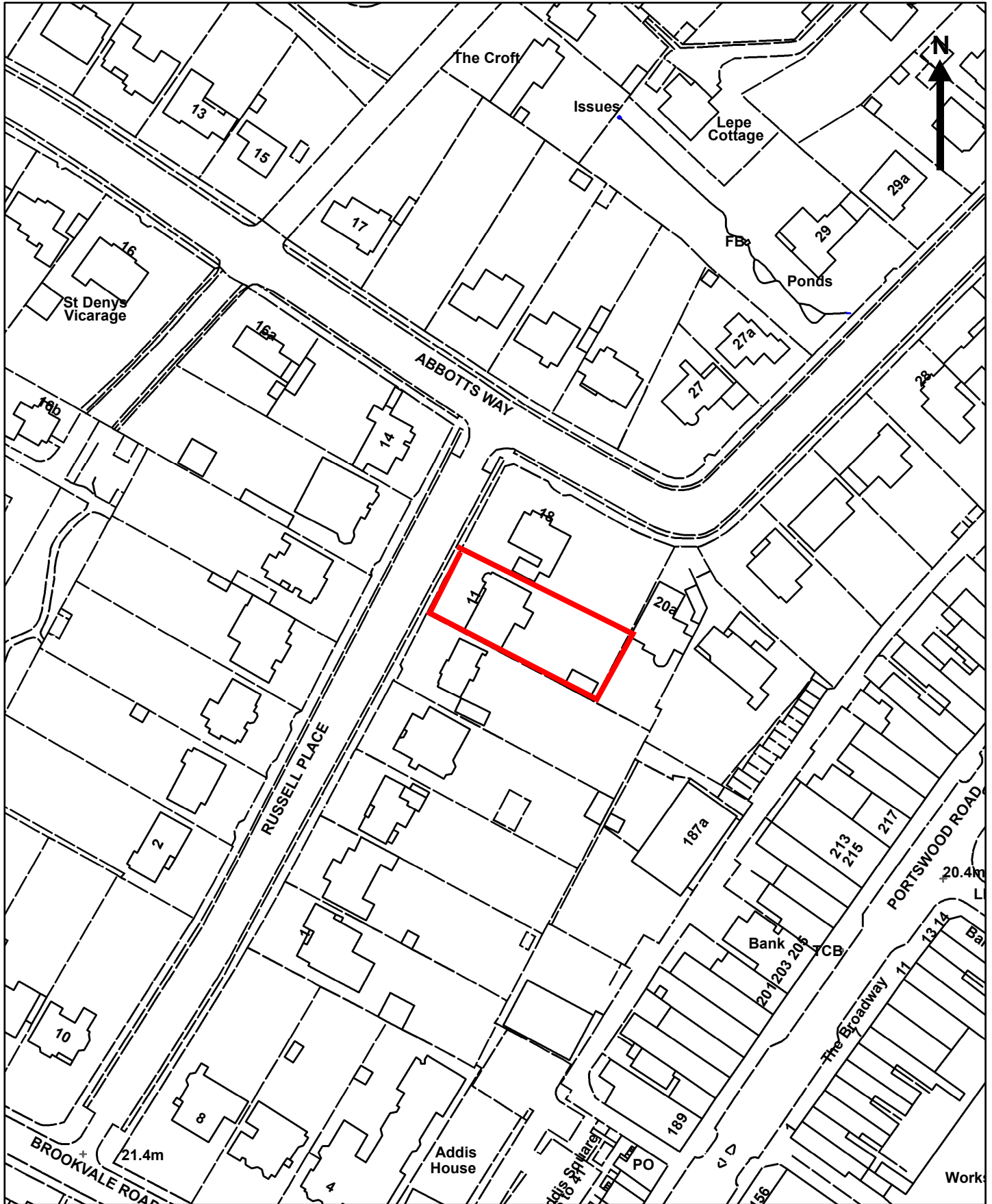
Relevant Planning History

Case Ref	Proposal	Decision	Date
04/01054/FUL	Erection of a dormer window and two storey extension to the front and a two storey extension, with balconies at first floor level to the rear. (Description Amended 5/8/04)	Application Refused	23.08.2004
04/01612/FUL	Erection of two storey rear extension (Re-submission)	Application Refused	12.01.2005
05/00597/FUL	Erection of part single-storey, part two-storey rear extension and the addition of a pitched roof to side garage.	Conditionally Approved	13.07.2005
06/00600/FUL	Amendment of 05/00597/FUL for the insertion of 2 roof lights to the two-storey rear extension (Retrospective).	Application Refused	14.06.2006
06/01067/FUL	Insertion of two roof lights to the 2 storey rear extension and erection of detached structure within the rear garden.	Application Refused	19.09.2006
06/01492/FUL	Replacement outbuilding store within rear garden (amended description excludes roof lights and vehicular access)	Conditionally Approved	07.12.2006
08/01547/FUL	Additional vehicular access.	Conditionally Approved	23.12.2008

13/01142/FUL	Installation of two gates and railings to existing front wall.		05.09.2013
14/00551/FUL	Installation of two gates and railings to existing front wall (resubmission of 13/01142/FUL)	Application Refused	02.06.2014
19/01447/FUL	Replacement roof to rear elevation with fully pitched roof with infill gable end following removal of existing flat roof. Also replacement of all existing roof tiles.	Conditionally Approved	14.10.2019
22/00534/PLDC	Application for lawful development certificate for 2 x single storey rear extensions	Pending	
925/40/1	Garage	Conditionally Approved	18.10.1949
925/40	Garage	Conditionally Approved	14.04.1949

Agenda Item 10

22/00403/FUL



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