

Planning and Rights of Way Panel 29th January 2019
Planning Application Report of the Service Lead - Infrastructure, Planning and Development

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| Application address: 5 Woodlands Way, Southampton | | | |
| Proposed development: Conversion and extension of existing two-storey semi-detached dwelling to create 2 dwellings (1 x 2-bed and 1 x 3-bed) including additional floor of accommodation (resubmission of 15/01846/FUL) | | | |
| Application number: | 18/01595/FUL | Application type: | Full Application |
| Case officer: | Mark Taylor | Public speaking time: | 5 minutes |
| Last date for determination: | Target date extended until 5 February 2019 | Ward: | Freemantle |
| Reason for Panel Referral: | Five or more letters of objection have been received contrary to the recommendation to grant permission | Ward Councillors: | Councillor Leggett Councillor Parnell Councillor Shields |
| Referred to Panel by: | N/A | Reason: | N/A |
| Applicant: Mr David Carden-Jones | | Agent: NP Designs | |

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| Recommendation Summary | Conditionally approve |
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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 (2018).

Policies – CS4 (Housing Delivery), CS5 (Housing Density), CS13 (Fundamentals of Design), CS16 (Housing Mix and Type), CS19 (Car and Cycle Parking), CS20 (Tackling and Adapting to Climate Change), CS22 (Promoting Biodiversity and Habitats), CS23 (Flood Risk) of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Policies – SDP1 (Quality of Development), SDP6 (Urban Design Principles), SDP7 (Context) - outside city centre, SDP9 (Scale, Massing and Appearance) - outside city centre, NE3 (Sites of Local Nature Conservation Importance), H1 (Housing Supply), H7 (The Residential Environment) of the City of Southampton Local Plan Review (Amended 2015).

| Appendix attached | | | |
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| 1 | Development Plan Policies | 2 | Relevant Planning History |
| 3 | Car Parking Survey | 4 | Habitats Regulation Assessment |

Recommendation in Full

Conditionally approve

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 4 of this report.
2. Conditional approval for the reasons set out in this report

1. The site and its context

- 1.1 The application site is a two storey, 3 bedroom semi-detached dwelling house located on the eastern side of Woodlands Way adjacent to the Southampton Common, which is a Site of Importance for Nature Conservation (SINC).
- 1.2 The proposal already benefits from the addition of a single storey side extension on the north elevation of the property and there is recent planning history.

2. Proposal

- 2.1 This is a resubmission of the same scheme that was approved in 2015, but was not implemented and the permission lapsed. The application again seeks to create an additional dwelling by providing two additional floors above the existing single storey side extension on the north elevation of the existing property. The application also proposes creating an additional floor above the existing property.
- 2.2 The result would be to create two separate 3 storey dwellings with extensions to the original dwelling forming an independent 2 bedroom dwelling whilst the original house would be reconfigured to maintain it as a family sized 3 bedroom unit. An existing single storey rear extension would be removed.
- 2.3 For the new dwelling; at ground floor the living area will be open plan with access served by an additional porch/utility area to the north. The kitchen dining area will be located to the front of the property and the living area looking out onto the amenity area to the rear of the property
- 2.4 At first floor a bedroom and bathroom will be provided. The bedroom will be served by two windows. The window on the west elevation will be obscure glazed and a clear glazed projecting window on the north elevation.
- 2.5 Within the pitched roof space will be a second bedroom with an en-suite. The bedroom will be served by roof lights on the front roof slope and the en-suite will be served by windows on the rear elevation.
- 2.6 The external facing materials will be facing brick and tiles to match the existing dwelling.
- 2.7 No on-site parking is possible.

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 Developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

3.3 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

4.1 A schedule of the relevant planning history for the site is set out in Appendix 2 of this report.

4.2 Planning consent 15/01846/FUL provided consent for the conversion and extension of existing two-storey semi-detached dwelling to create 2 dwellings (1 x 2-bed and 1 x 3-bed) including additional floor of accommodation. The permission remained extant at the time the current proposal was submitted and is identical to that now being proposed in this current application. It has now lapsed hence the need for this application

4.3 In 1995, conditional approval (ref.950712/W) was granted for the construction of a single storey side and rear extension.

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 4 September 2018. At the time of writing the report **5 representations** have been received from surrounding residents objecting to the proposal. The following is a summary of the points raised:

5.2 Insufficient Parking

Officer Response

The existing dwelling retains its parking and the new house has no provision (as was the case with the earlier permission). The Council has adopted maximum car parking standards and the Parking Standards Supplementary Planning Document confirms that provision of less than the maximum parking standards is permissible subject to justification. There are parking restrictions in the surrounding area which limit the possibility for overspill car parking. A car parking survey and parking justification (**Appendix 3**) has been submitted by the applicant and concludes that the proposal would not result in an unacceptable competition for unrestricted on-street car parking spaces in the vicinity of the site. The surveys were carried out at midnight on Saturday 24th November and Thursday 29th 2018 and shows spare capacity as follows:

- **Unrestricted Parking – Survey 1**
8 spaces or parking at 82% capacity
- **Single Yellow Line and Restricted Parking**
3 Spaces or 70% capacity
- **Unrestricted Parking – Survey 2**
10 spaces or 78% capacity
- **Single Yellow Line and Restricted Parking**
4 Spaces or 60% capacity

Furthermore, the Council's Highway Engineer has raised no objection to the application.

5.3 ***Inadequate access for emergency services.***

Officer Response

No objection has been raised in this regard from the Highways Development Management Team

5.4 ***Impact of noise and disturbance during construction***

Officer Response

In order to protect the amenities of the occupiers of existing nearby properties a condition can be imposed that requires the submission of a construction environment management plan. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. This shall also include details of the storage of construction materials and the parking of all vehicles relating to construction.

5.4 ***Overdevelopment of the Site***

Officer Response

The site is considered to be sufficient in size to accommodate the proposed dwelling and associated amenity space, refuse and cycle storage without being significantly harmful to neighbouring amenity. The application is a renewal of the previous consent 15/01846/FUL where it was considered that there is sufficient remaining space to ensure that the occupants of the existing dwelling enjoy a suitable living environment. There has been no change to the Councils adopted standards or policies since the original permission was granted in 2015.

5.5 ***Loss of privacy***

Officer Response

The proposed upper floor windows serving the main bedroom will be obscure glazed on the west elevation preventing any overlooking. Obscure glazing can be secured by condition. The roof lights on the front roof slope will be located at a high level mitigating any overlooking to the west. The upper floor windows on the rear elevation (east) will result in reciprocal overlooking with the host property.

5.6 ***Loss of Light***

Officer Response

The proposal is located to the north of the host property and is sufficiently distanced from the neighbouring dwellings to mitigate any material harm to the light currently enjoyed by the occupiers of the neighbouring dwellings.

5.7 ***Detrimental to Protected Species Habitats***

Officer Response

No objection has been raised by the Council's Planning Ecologist although an amendment to the windows was requested. Given that the current proposal is a renewal of a previous consent with no material change to the considerations of the proposal it would be considered unreasonable to request such an amendment. Furthermore upper floor windows could be inserted into the north elevation of the original dwelling without the need for express planning consent.

5.8 ***The property is the subject of covenants and maintenance charges***

Officer Response

These covenant and any legal agreements outside of the planning process do not form materials considerations for the application.

Consultation Responses

5.10 **SCC Highways – No Objection**

5.11 **SCC Community Infrastructure Levy (CIL) – The development is CIL liable as the proposal creates additional self-contained residential units facilitated by an extension to the residential building. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the extension.**

- 5.12 **SCC Sustainability Team** – Conditions are recommended in relation to the new dwelling in order to ensure compliance with core strategy policy CS20.
- 5.13 **SCC Conservation Heritage Manger** – No objection
- 5.14 **SCC Ecology** – To the north of the site lies an area of woodland which forms part of Southampton Common Site of Importance for Nature Conservation (SINC). The house is in good condition with no obvious access points for bats. There is therefore a negligible risk of bat roosts. The adjoining habitat is of high quality, particularly for bat foraging. Side windows at first floor level, or above, will result in illumination of the tree canopies which would reduce the bat foraging value. I would therefore like the window on the northern elevation to be removed.
- 5.15 **Southern Water** – Southern Water requires a formal application for new connections to the public foul and surface water sewers to be made by the applicant or developer.

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
- Mitigation of direct local impacts and;
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 The council has already accepted the principle of the development in the consideration of the previous proposal 15/01846/FUL. There are no material changes to the consideration of the proposal that result in a change to the principle of the development and housing need is still significant in this City.

6.3 Design and effect on character

6.3.1 The application site is part of a wider residential development where dwellings have been designed to a particular style. Buildings within Woodlands Way are predominantly two or three storeys in height and constructed using a range of materials including brick, render, timber cladding, concrete roof tiles and UPVC windows. Bay windows are a key feature of this development and tend to be located at first floor level with a timber clad surround and a shallow dual pitched roof. A number of properties have integral garages and associated driveways however there is also a separate parking court in the vicinity.

6.3.2 This proposal would convert the existing two storey dwelling into a three storey dwelling whilst also establishing a new three storey dwelling at the end of this row of properties. It would convert a semi-detached pair into a terraced row of three properties. It is noted that the third storey provides accommodation within the roof. The principal of three storeys is considered acceptable in this location given the presence of a number of existing three storey properties in Woodlands Way. The design which has been adopted is in keeping with the design of the existing three storey properties in this location. The incorporation of features which are characteristic of the surrounding area (projecting bay window and parapet wall) combined with the installation of windows to match those of the surrounding area and the use of appropriate materials would ensure that as a result of this proposal, both dwellings would be in keeping with the character of the surrounding area.

6.3.3 The row of properties within which the application site is located has a stepped arrangement with the three storey, semi-detached pair of properties located at the

end of the row (at no.9 and no.10 Woodlands Way) positioned forward of the remaining two storey properties. The proposed new dwelling would continue this stepped arrangement with the front elevation of the proposed dwelling positioned approximately 0.5m back from the front elevation of the existing dwelling at no.5. This would reduce the visual appearance of the property subsequently minimising its overall impact on the wider street scene.

6.3.4 The single storey extension to the rear of the proposed dwelling is existing and the proposed single storey side extension is considered to be of an appropriate style and scale in this location. Again, this element of the scheme would be positioned in a way which would ensure it would be hidden from the wider street scene.

6.3.5 The chosen design is again considered acceptable and fits into the established pattern of development as required by LDF Policy CS13.

6.4 Residential amenity

6.4.1 At present, the rear elevation of no.5 Woodlands Way is set back from the adjoining property at no.6 by approximately 0.8m. This relationship would continue as a result of the proposal with the additional floor space at roof level also set back from the rear of this adjoining property. The proposed new dwelling would be level with the rear elevation of no.6, however it would be separated from no.6 due to the presence of the existing dwelling at no.5. As such, it is not considered that the proposed scheme would be detrimental to the residential amenities of the occupiers of no.6 Woodlands Way in terms of loss of light, overbearing impact

6.4.2 The proposed dwelling would face the rear garden of the property located opposite at no.4 Woodlands Way. One window is proposed at first floor level of the proposed dwelling however this would be obscure glazed and would not therefore, result in any additional overlooking or loss of privacy for this rear garden.

6.4.3 It is not considered that the proposed dwelling would result in any significant additional shadowing. The property at no.4, and its garden, is overshadowed by the existing dwelling at no.5 and the proposed dwelling is not considered to worsen this arrangement. As such, this scheme is not considered to result in any loss of amenity for the occupiers of no.4 in terms of loss of light or overshadowing.

6.4.4 A distance of approximately 6m between the proposed dwelling and the boundary of the rear garden of no.4 would be retained. This neighbouring property has a very large rear garden. Its narrowest point is located at the boundary closest to the application site with the garden opening out from this point and at its widest adjacent to the boundary with no.3 Woodlands Way. Having regard to this, the proposed dwelling is not considered to have an overbearing impact on the rear garden of this property.

6.4.5 A separation distance of approximately 8m would remain between the proposed dwelling and the rear elevation of no.4. There is a single storey conservatory located to the rear of this property in addition to two windows at first floor level within the rear elevation. Given the positioning of the proposed dwelling back from the front elevation of the existing dwelling at no.5, the retention of an acceptable separation distance in the context of the surrounding area and the absence of any clear glazed windows within the front elevation of the proposed dwelling, it is not considered that the proposed additional dwelling would have a significant impact over that of the existing dwelling at no.5.

6.5 Parking highways and transport

- 6.5.1 At present no.5 Woodlands Way has access to 2 (off-site) car parking spaces in the form of a garage and a parking space immediately outside this garage. This property would continue to comply with the maximum car parking requirement for a 3 bedroom dwelling. The new dwelling has nil parking as was the case with the earlier consent and it is again considered reasonable to permit a car-parking free scheme given the recent history (which could have still been implemented in November 2018, our maximum parking standards and the survey work to explain spare capacity.
- 6.5.2 The City Council's Highways team have reviewed the submitted parking survey and raised no objection to the proposal.
- 6.5.3 The submitted plans indicate that a cycle store will be provided for the new dwelling within the rear garden. A condition securing this provision can be applied to any consent. The submitted plans indicate that refuse storage will be provided to the front of the new unit. More details of this will be secured by condition to ensure that refuse storage provision is acceptable.

6.6 Mitigation of direct local impacts - Flood risk

- 6.6.1 The application site is not located within a designated flood zone. It is however, located in close proximity to a stream (approximately 7m away). As part of the previous consent the City Council's Flood Risk team advised that they have no objection to the scheme however they advised that the applicant may need to apply for flood risk consent from the Environment Agency. An informative will be attached to the decision notice to advise the applicant of this as per the previous consent.

6.7 Ecology and likely effect on designated habitats

- 6.7.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution, has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application complies with the requirements of the SDMP following the payment of the required mitigation, and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). The attached HRA confirms this and should be agreed ahead of the Panel taking a vote on the recommendation
- 6.7.2 The application site is located adjacent to the Southampton Common Site of Importance for Nature Conservation. The City Council's Ecology team have raised no objection to the scheme provided that the bay window within the side elevation is removed from the scheme. There are no windows at first floor level within the side elevation of the existing property and this scheme would introduce a new window in this location.

6.7.3 Under permitted development, it would be possible to install a new window at first floor level within the side elevation of the existing property provided it was obscure glazed. This allowance would also apply to the proposed dwelling once constructed. Even if obscure glazed, these windows would inevitably allow light to escape from the property. It would also be possible to install outdoor security lighting if required. Having regard to this, it is considered to be unreasonable to request the removal of the proposed bay window. This would provide much needed light and outlook to a habitable room (a bedroom) which would not be served by any other windows. The window would be relatively modest in size, not too dissimilar to the windows within the rear elevation of the properties located at 1 - 4 Woodlands Way and which also face Southampton Common. It is not considered that the proposed window would give rise to a level of light which would be significantly harmful to the SINC and this does not, subsequently, form a reason for refusal.

7. Summary

7.1 The proposal to remodel the existing dwelling and create a further terraced house largely reflects the previous scheme 15/01846/FUL that remained extant at the time the application was submitted. Additional details have been provided with regard to secure cycle storage removing the need for a condition for such details to be provided. An updated parking survey has been provided to reflect the current availability of available parking, the survey has been considered by Highways Officers and no objection has been raised. The scheme remains acceptable and delivers an additional dwelling.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the inclusion of 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)

MT for 29/1/19 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

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

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

2. Approved Plans

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

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

3. Materials to Match

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 and the wider terrace.

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. Cycle Storage

Prior to the first occupation of the development hereby approved the secure cycle storage facilities (as approved) shall be implemented and permanently maintained and retained for that purpose.

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

5. Refuse Storage

Prior to the first occupation of the development hereby approved details (and amended plans) of facilities to be provided for the storage of refuse and recyclable materials at the new dwelling shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall be permanently maintained and retained for that purpose.

Reason: In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

6. Surface / foul water drainage

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

Reason: To ensure satisfactory drainage provision for the area.

7. Energy & Water

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

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

8. Energy & Water

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

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

9. Sustainable Drainage Systems

Prior to the commencement of development a specification for the proposed sustainable drainage system (including green roofs) shall be submitted to the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason: To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

10. Window specification limitations

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, the window at first floor level within the front elevation of the new dwelling hereby permitted shall be obscure glazed only with a limited opening top hung window. This window shall be retained in this manner for the duration of the use of this building for residential occupation.

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

11. Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. This shall also include details of the storage of construction materials and the parking of all

vehicles relating to construction. All specified measures shall be available and implemented during any processes for which those measures are required.

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

12. Hours of work for Demolition / Clearance / Construction

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

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

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

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

