

Planning and Rights of Way Panel 22nd June 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 248 Priory Road, Southampton.			
Proposed development: Retrospective alterations to site layout to allow an additional parking space resulting in a reduced garden size for block B and alterations to the landscaping to the front of block D to enable sufficient space for emergency vehicle turning and for loading and unloading for pontoon users (Amended Description)			
Application number:	20/01676/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	29.06.2021 (Extension agreed)	Ward:	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received.	Ward Councillors:	Cllr Lisa Mitchell Cllr Gordon Cooper Cllr John Savage
Applicant: Homer Parady Developments		Agent: Planning Precision Limited	

Recommendation Summary	Conditionally Approve.
-------------------------------	------------------------

Community Infrastructure Levy Liable	No
---	----

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including character, residential amenity and highways safety have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12 and H2 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS19, CS20 and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies

Background.

The application was submitted to address the site layout and landscaping alterations which has become the subject of a planning enforcement enquiry received in 2020. The main reason the site layout has been altered, including position of boundary fences serving block B, is the location of the underground services that run through the centre of the site. As a

consequence, the plot size for block B has reduced in size from 284sq.m to 246sq.m, this is so that in the event that the services need to be accessed a residential garden will not need to be disturbed. In addition, the applicant is seeking to add an additional visitor car parking space for users of the pontoons and slipway, located at the western end of the site.

1 The site and its context

- 1.1 The application site has an area of 0.14 hectares and comprises a long-elongated plot which extends from Priory Road to the River Itchen. The site contains a recently completed development of 2 x 3 bed detached houses (blocks A and B), 2 x 3 bed semi-detached houses (block D) and a block of 5 x 2 bed flats (Block C) with associated driveway, cycle parking, bin storage and footpath access to the River Itchen. The frontage building is two-storey with an open forecourt to Priory Road. The site has pontoons and a slip way fronting the River. The site is enclosed by a mature hedgerow and close boarded fencing along the northern boundary and a block wall along part of the southern boundary.
- 1.2 The communal areas of the site are formed by hard and soft landscaped areas. At the eastern end there is also an 'emergency vehicle area' that uses an engineering solution to allow vehicles to access the area of grass for parking/manoeuvring purposes.
- 1.3 The rear portion of the site (behind block A) is privately accessed by automated gates and a shared pedestrian and vehicular access/driveway.
- 1.4 The surrounding area is predominantly residential in character and there are other examples of backland waterfront development. The neighbouring plots to the north have undeveloped rear gardens however the pattern of development to the south contains development closer to the River and the neighbouring development at Cobden Marine contains two detached flatted blocks. There are no parking restrictions within Priory Road and gardens are varied in size within the neighbourhood.
- 1.5 The application site contains a total of 16 car parking spaces as approved under application 19/00631/FUL. This layout resulted in the removal of two car parking spaces approved under the original consent (15/00561/OUT).

2 Proposal

- 2.1 The proposal seeks to regularise the site layout which has been altered from the originally approved layout for two reasons:
- 2.2
 - To ensure that below ground services are not positioned within the boundary of block B.
 - To allow an additional parking space for pontoon users when accessing the pontoons and slip way fronting the River; and
Alterations to the landscaping to the front of Block D with the installation of a grass geocell system to enable sufficient space for emergency vehicle turning and for loading and unloading for pontoon users.
- 2.3 As a consequence, the size of the garden allocated to the three-bed house (block B), which occupies a central position within the site, has reduced in size. The plot size of block B as approved under applications 16/01741/FUL & 19/00631/FUL

measured 284sq.m. The reduced plot size is now 246sqm; a reduction of 38sq.m. As a consequence, the rear portion of garden serving the property now measures 93sq.m rather than 116sq.m.

2.4 This planning application is required under section 73A 2 (c) of the Planning Act because planning permission is required when a development is not carried out in accordance with a condition(s). In this case the following conditions have not been complied with:

2.5 Condition 3 of permission 19/00631/FUL: which requires the hard and soft landscaping to be provided and retained:

Landscaping

Notwithstanding the submitted site plan (drawing no. 220-35 Rev) by Amplio Architecture, the planning permission hereby granted shall conform with the layout as shown on landscape drawing 2017/2D with a 2m landscaping strip provided which incorporates 4 no. red robin trees adjacent to the rear boundaries of 250 and 252 Priory Road.

The development shall be carried out fully in accordance with landscaping drawing 2017/2D by Partridge Associates.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

2.6 Condition 4 of permission 19/00631/FUL, which requires the access to be provided and retained:

Parking (Pre-Occupation)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 In 2017 full planning permission was granted for the conversion of the existing frontage building into a 3 bed house and erection of 1 x 3 bed detached house, 2 x 3 bed semi-detached houses and a block of 5 x 2 bed flats (8 dwellings in total) with associated parking and cycle/refuse storage following demolition of buildings to the rear (16/01741/FUL).
- 4.2 In 2018 the landscaping condition relating to application 16/01741/FUL, for the redevelopment of the site, was discharged under application 17/01887/DIS.
- 4.3 Then in 2019 there was a change to the site area which included a reduction in overall size and consequently the removal of two car parking spaces; these changes were granted under planning application 19.00631/FUL.
- 4.4 Most recently in 2020 planning permission (ref: 20/00095/FUL) was also granted for the election of a cycle store & WC to be used by people accessing the River from 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 via letter and a site notice was erected **29.01.2021** for neighbour comments. At the time of writing the report, **9** representations from surrounding residents have been received. The following is a summary of the points raised:

- 5.2 ***The proposed parking space would impede the pedestrian walkway required by condition 6 of planning permission 16/01741/FUL & 5 of planning permission 15/00561/OUT:***

APPROVAL CONDITION - Pedestrian access

Notwithstanding the plans hereby approved, a revised layout incorporating a demarcated route for pedestrians shall be submitted and agreed upon in writing by the local planning authority. Demarcation can be achieved via lining, different colour or pattern of the surface treatment. Reason: In the interests of pedestrian safety.

Response

Within the shared driveway the site has the character of a 'home zone' and traffic speeds are not expected to be high given the overall small area/short length of the shared access and due to the gated entrance. Taken together these factors would reduce traffic speed. Furthermore, the relatively small number of dwellings (8) means that the amount of footfall on site will be relatively low. Cumulatively these characteristics of the site mean that there is little potential for serious conflict on site and provided that drivers behave responsibly and reasonably a demarcated pedestrian route is not essential for pedestrian safety. Furthermore, there is sufficient width within the access for pedestrians and vehicles to safely pass. It is therefore not judged to be expedient to require compliance with the condition.

It is however noted that fly parking has occurred within the access drive and the applicants have agreed to introduce signage to indicate no parking other than in designated parking bays and are also writing to occupiers to advise that they cannot park anywhere in the access road. It is recommended that a condition be added to secure the signage and a management plan to prevent fly parking within the access and to control the parking space and loading/unloading areas for pontoon users, in the interests of pedestrian safety and good design.

- 5.3 ***The access road should be and remain in the approved position for 5 years (19/00631/FUL - CONDITIONAL APPROVAL - Condition 03 "The approved hard and soft landscaping scheme [including parking] for the whole site... The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision").***

Response

The application has been made to regularise the breach of the relevant landscaping, parking and access related conditions. The acceptability of the application will need to be judged against the development plan policies. The planning system does allow for this type of retrospective application.

- 5.4 ***Position of the proposed parking space obstructs manoeuvring space into and out of the adjacent parking space.***

Response

There is sufficient space (in excess of 6m) behind the car parking space to ensure that the proposal would not significantly hinder manoeuvrability and access into/out of the space.

- 5.5 ***When the proposed parking space is in use it is likely to restrict access to larger vehicles such as those used by the emergency services, refuse collectors or delivery companies.***

Response

The width of the access between the parking space and the boundary fence defining block B exceeds 3.6m. This is sufficient to accommodate most delivery and emergency vehicles.

- 5.6 ***Reduced plot and garden size of block B.***

Response

The plot originally approved measured 284sq.m and as a consequence of the proposal the plot size is now 246sqm; this is a reduction of 38sq.m. As a consequence, the size of the remaining private garden, approximately 93sq.m, still exceeds the minimum standards set out in the Residential Design Guide (90sq.m).

- 5.7 ***The freehold owner of the land within the boundary of Block B has not been notified of the development by the applicant. The incorrect certificate has been completed. Block B was sold under the Government's Help to Buy scheme; the Homes and Community Agency have an equity interest.***

Response

Following the initial submission of the application and receiving the comments from landowners effected by the proposal the Council has sought an amended ownership certificate and the applicant has notified all land owners accordingly. A re-consultation exercise was subsequently undertaken to ensure that application is procedurally correct

Note: The title deeds register does not identify Help to Buy/Homes England as an owner, rather they are a lender/mortgage company.

- 5.8 ***The site plan is labelled incorrectly.***

Response

Amended plans have been received to correctly set out how the application differs from the previously approved scheme. The originally submitted plans do not prejudice the application.

- 5.9 ***The driveway was laid over the property boundary reducing the garden of block B after a deposit for the property had been taken and an agreement to enter the purchase. The site layout should revert back to the approved planning permissions.***

Response

Planning permission is being sought to seek changes to the layout of the driveway which consequentially reduces the size of a residential garden; procedurally there is no reason to refuse to determine the application for this reason.

- 5.10 ***Substantial loss of amenity space and green space from block B and from the site as a whole has diminished the character and visual impact of the development. Reduction of landscaping is contrary to the Green City Charter.***

Response

The loss of 38sq.m from an overall site area for block B, that originally measured 284sq.m, is not deemed to be significant. Landscaping improvements outside of the boundary of block B can be incorporated to mitigate and the scheme remains compliant with our adopted standards.

- 5.11 ***Approval of this planning application would risk setting a precedent for this site and others. Other amenity space on this site could be at risk of conversion to driveways and/or parking spaces.***

Response

Each application must be judged on its own merits.

- 5.12 ***The site already has the maximum number of parking spaces (19/00631/FUL "The Councils Parking SPD 2011 actually states that only 16 parking spaces as a maximum are required to facilitate and serve this development").***

Response

The maximum number of parking spaces is based on the number and mix of residential units. The car parking space proposed is not related to the residential units on site rather it is proposed to serve visitors to the marina who require space on site for the purposes of loading and unloading. The additional parking facilities are for pontoon users and not the occupiers of the flats. Unfortunately, the original design did not provide parking to meet the needs of pontoon users.

- 5.13 ***Additional car parking and associated cars would add to the congestion within the development and is contrary to the St Denys Active Travel Zone.***

Response

The development is wholly private incorporating no public highway. The parking proposed is not intended for residents to use rather it is to formalise parking required by visitors to the marina. This would reduce potential parking pressure on the 'emergency vehicle area' that may otherwise be used for loading/unloading purposes and other potential unauthorised parking. Members of the public using the marina have a legal right of access over the land, so it is sensible to provide a formal location within the site for loading and unloading purposes.

Consultation Responses

- 5.14 **Highways Development Management** – No objection. Considering that the route through the site is fully paved and private where we can expect slow vehicular speeds, highways are not insistent on the delivery of the demarcated pedestrian route
- 5.15 **SCC Archaeology** – No objection. No conditions required.
- 5.16 **Urban Design Manager** – The proposed landscaping is not acceptable; apply recommended conditions.

Officer Comment: Following receipt of the comments made by the Urban Design manager amendments have been sort from the developer in an attempt to prevent the need to require further landscaping details post decision. Whilst landscaping plans have been updated and are improved a detailed specification including planting densities are still needed. This can be secured by a time limited condition.

6 Planning Consideration Key Issues

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

- The principle of development;
- Layout and impact on established character;
- Residential standards;
- Parking highways and transport; and
- Impact on residential amenity.

Principle of Development

6.2 Alterations to the layout of the site, position of boundary treatment, hard & soft landscaping, as a consequence of the position of services running through the centre, is not opposed in principle.

6.3 The principle of reducing the size of a garden, provided that it would remain sufficient overall, meeting the minimum recommended garden size as set out in the Residential Design Guide, and is adequately fit for its intended purpose, is also not opposed.

6.4 It is also not unreasonable to provide a parking space for boat owners who access the moorings, pontoons and slip way fronting the River and who have historically accessed the site from 248 Priory Road. It is however disappointing that the requirements for pontoon users parking and unloading/loading space were not incorporated into the original design for this development. Nevertheless, there is considered sufficient space within the site to accommodate the additional facilities proposed without leading to adverse harm to the layout of the development or the safety of pedestrians using the site.

Layout and impact on established character

6.5 Approximately 38sq.m of the site has been taken from the garden serving block B and has become part of the shared driveway. More specifically the consequence of the amendments, caused by the position of the services running through the centre of the site has led to approximately the same area (quantum) now becoming soft landscaping within the wider site and outside of the boundary of block B. The largest additional area of soft landscaping is between the northern site boundary and the row of six car parking spaces. There has also been a minor increase to the triangular piece of soft landscaping directly behind the rear boundary of number 250 Priory Road.

6.6 Whilst the general arrangement of hard and soft landscaping is supported the specification is yet to be agreed. Planning conditions can be used to ensure that the overall quality of landscaping, in terms of specification and maintenance, is acceptable and where necessary planning enforcement measures can be employed to ensure that compliance is achieved. The introduction of the geoweb

system to the grassed area to the front of Block D will detract from the visual benefits of this soft landscaped area because it will facilitate the use of this area for loading and unloading for pontoon users. However, it would appear that there is existing wear and tear to this grassed area from parking and no controls were imposed on the original planning condition to deter parking within this area. The geoweb system will still allow grass to grow through it and therefore will still provide some visual amenity and permeability for surface water drainage.

- 6.7 Overall whilst these changes do alter the layout of the site the overall character remains one of backland residential development with shared access. The impact of the change is not, however, deemed to be significant and therefore the proposal is not opposed on character grounds.

Residential Standards

- 6.8 The proposal involves a reduction of garden space serving block B. The quality of the accommodation will be affected by the reduction. The acceptability of the residential environment and overall standard of accommodation will be determined by the amount of garden that remains fit for purpose and suitable in size given the character of the area, size of the house and guidance set out in the Residential Design Guide.
- 6.9 The usable garden space behind the rear building line of block B, approved under applications 16/01741/FUL & 19/00631/FUL measures 119sq.m. The plot also incorporated an additional 33sq.m on the northern side of the building that is also judged to be usable (152sq.m in total). As a consequence of the current proposal the garden space behind the rear building line of block B would measure approximately 93sq.m and the garden area to the side, also considered usable, would measure 11sq.m (104sq.m in total).
- 6.10 Garden sizes within the neighbourhood are mixed and there is no strict pattern to follow. The proposed reduction of 38sq.m would thereby result in the garden remaining suitable given the character of the area.
- 6.11 The garden will also remain fit for its intended purposes as it would not be steeply sloping, awkwardly shaped or very narrow. There would also remain the opportunity to sit in both the sun and shade, to accommodate table and chairs, barbeque areas, for the setting out of planting beds and hanging of washing.
- 6.12 The proposed garden also exceeds the minimum garden standards set out in the Residential Design Guide which seeks a minimum of 90sq.m for detached houses.

Parking highways and transport

- 6.13 The alterations to the layout of the site has achieved the addition of a car parking space proposed to serve boat owners with a mooring on the pontoon which is accessed through the site. The position of the car parking space maintains sufficient clearance for emergency vehicles to pass by in the event that there is a need to access the rear properties within the development or the pontoon/slipway access to the River. The alterations also maximise the opportunity for soft landscaping at the same time as ensuring that there is a 6m reversing distance in front of the 6 car parking spaces adjacent to the northern site boundary. There is also a

parking/turning area provided for emergency vehicles on the turfed area in front of the rear two flatted blocks (Blocks C and D).

- 6.14 Pedestrian and vehicular access can be safely achieved along the central route through the site, traffic speeds are not expected to be high so the shared nature of the space is considered appropriate and would not lead to highway danger.
- 6.15 The layout also maintains an overall number of permanent parking spaces for occupants of the dwellings at a ratio that meets the Council's maximum standards.
- 6.16 The use of block pavements can be used to define the proposed car parking space from the rest of the access.
- 6.17 It is recommended that a condition be added to require a management plan for the car park to require details of signage and management arrangements to prevent fly parking within the site access and to ensure the additional parking and loading/unloading areas are made available for pontoon users.
- 6.18 Impact on residential amenity.
- 6.19 The proposals are relatively minor in terms of their overall scale and as such neighbouring amenity is not judged to be significantly harmed as a consequence and saved Policy SDP1(i) is, therefore, satisfied.

7 Summary

- 7.1 Taking the proposed additional car parking space, amended layout and reduced garden size into account there are no reasons to oppose this development. Landscaping improvements can be achieved through the imposition of planning conditions and should it be necessary planning enforcement measures can be used to ensure compliance with those conditions are achieved.

8 Conclusion

- 8.1 It is recommended that planning permission be granted subject to 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) (f) 4.(f) (vv) 6. (a) (b)

MP for 22/06/2021 PROW Panel

PLANNING CONDITIONS:

1.Approved Plans (Performance).

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

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

2.Landscaping, lighting & means of enclosure detailed plan (Within 1 month).

Notwithstanding the submitted details, within 1 month of the date of this permission a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iii. a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out during the first planting season following the date of this planning permission. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

3.Car parking space use (Performance Condition).

The car parking space hereby approved shall exclusively be used by boat owners, marina staff and members of the public whilst accessing the moorings, pontoons and slip way fronting the River via the site/248 Priory Road and for no other purposes.

To ensure availability of the space for convenience of access to the marina and to prevent overparking on site by residential occupiers; and in the interests of reducing parking pressure on local roads.

4. Delineation of car parking space (Pre-occupation condition).

Within 1 month of the date of this permission details identifying the method of the demarcation of the car parking space hereby approved shall be submitted to and agreed upon in writing by the local planning authority. The works shall subsequently be carried within a further 2 months of receiving written confirmation from the local planning authority and shall be subsequently retained for the lifetime of the development.

Reason: In the interests of the visual amenity of the development and in order to achieve a high-quality finish.

5. Car Parking Management Plan (Within 1 month).

Within 1 month of the date of this permission a car parking management plan to include management arrangements and details of signage to prevent fly parking within the site access and to control usage of the additional parking area and loading/unloading areas, shall be submitted to and agreed in writing by the Local Planning Authority. The management arrangements and signage shall be carried out, installed and retained as agreed for the lifetime of the development.

Reason: In the interests of pedestrian safety and the visual amenities of the area.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
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	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscape & Biodiversity
H2	Previously Developed Land

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)