

# Planning and Rights of Way Panel

Tuesday, 23rd April, 2019  
at 6.00 pm

**PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

## **Members**

Councillor Savage (Chair)  
Councillor Coombs (Vice-Chair)  
Councillor Claisse  
Councillor L Harris  
Councillor Mitchell  
Councillor Murphy  
Councillor Wilkinson

## **Contacts**

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## **PUBLIC INFORMATION**

### **ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL**

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

### **PUBLIC REPRESENTATIONS**

Procedure / Public Representations

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

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

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

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

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

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

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.

### **Dates of Meetings: Municipal Year 2017/18**

<b>2018</b>	
29 May	11 September
19 June	9 October
10 July	13 November
31 July	11 December
21 August	

<b>2019</b>	
8 January	12 March
29 January	2 April
26 February	23 April

## CONDUCT OF MEETING

### TERMS OF REFERENCE

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

### BUSINESS TO BE DISCUSSED

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

### RULES OF PROCEDURE

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

### QUORUM

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

## DISCLOSURE OF INTERESTS

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

### DISCLOSABLE PECUNIARY INTERESTS

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

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

## **OTHER INTERESTS**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **PRINCIPLES OF DECISION MAKING**

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

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

In exercising discretion, the decision maker must:

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

## **AGENDA**

### **1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

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

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

(Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 2 April 2019 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 PLANNING APPLICATION - 18/02309/FUL- 142-144 BUTTS ROAD**

(Pages 13 - 24)

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

### **6 PLANNING APPLICATION - 18/02308/FUL - UOS BOLDREWOOD CAMPUS**

(Pages 25 - 36)

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

### **7 PLANNING APPLICATION - 19/00189/FUL - 47 GAINSFORD ROAD**

(Pages 37 - 50)

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

**8 PLANNING APPLICATION- 19/00122/FUL- 129 LUDLOW ROAD**

(Pages 51 - 60)

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

**9 PLANNING APPLICATION - 18/01291/FUL-LAND R/O 53 THOROLD ROAD**

(Pages 61 - 82)

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

**10 PLANNING APPLICATION - 19/00181/FUL - 77 TICONDEROGA GARDENS**

(Pages 83 - 100)

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

**11 PLANNING APPLICATION- 18/02060/FUL - 38 COPPERFIELD ROAD**

(Pages 101 - 122)

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

**12 PLANNING APPLICATION - 19/00166/FUL - 14 HOLLY HILL**

(Pages 123 - 132)

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

Thursday, 11 April 2019

Director of Legal and Governance

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 2 APRIL 2019

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Present: Councillors Savage (Chair), Coombs (Vice-Chair), L Harris, Mitchell, Murphy, Wilkinson and B Harris

Apologies: Councillor Claisse

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

It was noted that following receipt of the temporary resignation of Councillor Claisse from the Panel the Director Legal and Governance acting under delegated powers, had appointed Councillor B Harris to replace them for the purposes of this meeting.

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

**RESOLVED:** that the minutes for the Panel meeting on 12 March 2019 be approved and signed as a correct record.

70. **PLANNING APPLICATION - 18/01644/FUL - COMPASS HOUSE**

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

Erection of an additional fourth floor to facilitate 19 flats (11 x 1, 5 x 3 and 3 x 2 bed) with associated car parking (225 spaces shared between 245 flats, approved under 17/00178/PA56 and the proposed 19 flats) and cycle storage (amended following validation).

Chris Brady (agent) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that amended plans had been received with an amendment to balcony sizes for the three bed units.

The Panel raised a number of concerns relating to parking and requested that allocated parking spaces for this application be amended to 27 from 19. In addition the Panel requested that a landscaping condition be added. In response the officers agreed to amend the conditions as set out below.

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

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments, set out below, and the completion of a S.106 Legal Agreement to secure:
  - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013); In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement;
  - b. An affordable housing viability review clause;
  - c. The 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;
  - d. The submission of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, 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): and
  - e. 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.
- (iii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

**Additional Condition**

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

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate & tree pit design;
- ii. a landscape management scheme;
- iii. lighting details and plan;
- iv. proposed; car parking layouts; other vehicle pedestrian access and circulations areas.
- v. hard surfacing materials,
- vi. ancillary objects (refuse bins, lighting columns etc.); and
- vii. details of any proposed boundary treatment.



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

### **Amended Condition**

#### **6. On site vehicular parking 27 spaces [Pre-Occupation Condition]**

Prior to the occupation of the development hereby approved plans showing the location of 27 vehicular parking spaces (measuring at least 5m x 2.4m) and adjacent vehicular manoeuvring space (measuring at least 6m wide) to be allocated to the occupants of the approved 19 flats; and for no other occupants or purposes associated with the building, shall be submitted to and approved in writing by the Local Planning Authority. Details shall also be provided to identify how those car parking spaces will be separated and/or marked out on site as private spaces not available for any other purposes.

Once approved the car parking shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the hereby approved development. Throughout the occupation the development hereby approved the parking spaces and manoeuvring space adjacent shall not be used for any other purposes other than for parking in association with the 19 approved flats.

The hereby approved car parking spaces shall be allocated in accordance with the Councils maximum parking standards whereby one bed flats are permitted one space each and two & three bed units are permitted a maximum of two spaces each.

REASON: To achieve maximum car parking standards for the approved 19 flats and given that the position of the site is outside of a high accessibility area; and given the mix of units which include two and three bed flats. Also to help to avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced or cannot be conveniently accessed; and to remove confusion of occupants in the interests of discouraging car ownership by a large proportion of residents by not providing car parking spaces free for any occupant to use.

71. **PLANNING APPLICATION - 18/02299/FUL - 119 HIGHFIELD LANE**

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

Erection of 2x 3-storey extensions following part demolition and internal alterations to provide 30 additional guest bedrooms and staff room, with alterations to car park, new cycle/refuse storage and new plant equipment on roof.

Jane Jameson (local residents/ objecting), Katie Brown (agent), Jerry Gillen (supporter) were present and with the consent of the Chair, addressed the meeting.

The Panel raised concerns that the cycling provision on site related to staff only and did not include the potential of visitors cycling to the hotel. Officer agreed that Condition 19 would be amended, as set out below.

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

**RESOLVED** that the Panel:

- (i) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
  - a. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - b. The 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. The submission, approval and implementation of a Carbon Management Plan setting out how 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);
  - d. The submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, 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 CCTV network that can be linked into and/or accessed by the Council and its partners (if required); and
  - f. Submission and implementation of a Travel Plan.
- (ii) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

### **Amended condition**

#### **19. Cycle storage (Pre-commencement Condition)**

Notwithstanding the information already submitted no development shall commence until plans and elevational details of the secure, covered cycle storage for staff, guests and visitors of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the agreed details prior to the extensions first coming into use and thereafter retained for that purpose at all times.

REASON: To ensure an appropriate provision of cycle storage is made for future users of the development in accordance with saved policy SDP5 of the adopted Local Plan.

#### **72. PLANNING APPLICATION - 19/00170/FUL - ADJ. 28 HILL COTTAGE GARDENS**

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

Erection of 2x detached dwellings (1x 4-bed, 1x 3-bed) with associated parking and refuse storage (resubmission 18/00190/FUL).

Paul King (architect), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that there was an error on the report and that the recommendation summary should state to grant planning permission subject to criteria listed in the report. Officers reported that amended plans had been submitted in connection with highway tracking and the public sewer with changes shown to the proposed porch. In addition that an additional conditions relating to bins and cycle storage needed to be added as set out below.

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

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

#### **RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated authority to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to the conditions set out in the report and any amendments as set out below and the receipt of:
  - a. a plan showing tracking/revised access;
  - b. the planning conditions recommended at the end of this report; and

- c. the completion of a S.106 Legal Agreement or Section 111 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.
- (iii) That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement or the section 111 agreement and/or conditions as necessary.
- (iv) In the event that the revised highways plan and/or the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure their provisions.

### **Additional Conditions**

#### **26. 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.

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

#### **27. Cycle storage facilities (Pre-Commencement Condition)**

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

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

### **73. PLANNING APPLICATION- 19/00116/FUL -REAR OF 40 ATHERLEY ROAD**

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

Erection of a 2-bed, detached bungalow with associated cycle/refuse storage.

Kate Drummond and Kate Stirling (supporting the officer recommendation to refuse planning permission) were present and with the consent of the Chair, addressed the meeting.

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

**RESOLVED** that the Panel refused to grant conditional planning permission for the reasons set out below:

## **Reasons for refusal**

### **1. Out of Character/Poor Residential Environment**

The proposal to form a separate dwelling represents an over-intensive use and physical overdevelopment of the site which would be harmful to the character of the area in terms of introducing residential development in a backland location which would be out of character with the layout and context of the established pattern of development in the area. In addition, the proposal would be harmful to the amenities of neighbouring and existing occupiers in terms of increasing the activity to the rear of the site. The proposal thereby proves contrary to saved policies SDP1(i), SDP7(iii)(v), SDP9(i)(v) of the adopted City of Southampton Local Plan Review (2015) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (2015) as supported by the relevant guidance in section 3 of the approved Residential Design Guide Supplementary Planning Document (September 2006).

### **2. Insufficient parking**

Based on the information submitted, it has not been adequately demonstrated that the parking demand of the development would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. Furthermore the proposed pedestrian access route would result in the loss of a usable frontage parking space serving the existing flats which may compound existing on-street parking pressures. The development would, therefore, be contrary to the provisions of saved policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

Note to applicant - The guidance in the Parking Standards SPD (section 4.2.1 refers) expects the applicant to demonstrate that there is sufficient kerbside capacity to absorb the additional parking demand. This should be assessed by undertaking a parking survey using the preferred Lambeth model.

### **3. Lack of Section 106 or unilateral undertaking to secure planning obligations**

In the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

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# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 23<sup>rd</sup> April 2019 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	JF/AA	CAP	15	18/02309/FUL 142-144 Butts Road
6	JF/AA	CAP	5	18/02308/FUL UoS Boldrewood Campus
7	AC	CAP	5	19/00189/FUL 47 Gainsford Road
8	LT/AA	CAP	5	19/00122/FUL 129 Ludlow Road
9	JF/AA	DEL	5	18/01291/FUL Land R/O 53 Thorold Road
10	MT/AA	DEL	5	19/00181/FUL 77 Ticonderoga Gardens
11	MT/AA	DEL	5	18/02060/FUL 38 Copperfield Road
12	LT/AA	CAP	5	19/00166/FUL 14 Holly Hill

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:

JF – John Fanning  
 AA – Andy Amery  
 AC – Anna Coombes  
 LT – Laura Treagus  
 MT – Mark Taylor

## **Southampton City Council - Planning and Rights of Way Panel**

### **Report of Service Lead – Planning, Infrastructure & Development**

#### **Local Government (Access to Information) Act 1985**

#### **Index of Documents referred to in the preparation of reports on Planning Applications:**

##### **Background Papers**

1. Documents specifically related to the application
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. Statutory Plans
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
  - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
  - (c) Local Transport Plan 3 2011-2031
  - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
  - (e) Adopted City Centre Action Plan (2015)
  - (f) Community Infrastructure Levy Charging Schedule (2013)
  - (g) Bassett Neighbourhood Plan (Adopted 2016)
  
3. Statutory Plans in Preparation
  
4. Policies and Briefs published and adopted by Southampton City Council
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Developer Contributions SPD (September 2013)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)
  - (l) Economic Development Strategy (1996)
  - (m) Test Lane (1984)
  - (n) Itchen Valley Strategy (1993)



- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)\*
- (dd) Bassett Avenue Character Appraisal (1982)\*
- (ee) Howard Road Character Appraisal (1991) \*
- (ff) Lower Freemantle Character Appraisal (1981) \*
- (gg) Mid Freemantle Character Appraisal (1982)\*
- (hh) Westridge Road Character Appraisal (1989) \*
- (ii) Westwood Park Character Appraisal (1981) \*
- (jj) Cranbury Place Character Appraisal (1988) \*
- (kk) Carlton Crescent Character Appraisal (1988) \*
- (ll) Old Town Conservation Area Character Appraisal (1974) \*
- (mm) Oxford Street Conservation Area Character Appraisal (1982) \*
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)\*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)\*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)\*
- (tt) Old Woolston Development Control Brief (1974)\*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

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

## 5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

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

# Agenda Item 5

## Planning and Rights of Way Panel 23<sup>rd</sup> April 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

<b>Application address:</b> 142-144 Butts Road			
<b>Proposed development:</b> Proposed change of use of part of the ground floor from retail (A1 use) to hot food takeaway (A5 use) with installation of rear extraction flue and alterations to the shop front			
<b>Application number:</b>	18/02309/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	John Fanning	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	15.02.2019	<b>Ward:</b>	Sholing
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Wilkinson Cllr Bailie Cllr Guthrie
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A
<b>Applicant:</b> Mr A Ozdemir		<b>Agent:</b> Advoco Planning Limited	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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### Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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).

Saved Policies - SDP1, SDP16, REI7 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

### Recommendation in Full

### Conditionally Approve

## **1. The site and its context**

- 1.1 The application site contains a 2 storey building on the east side of Butts Road with its own forecourt. The property forms part of a brick built mixed use building with a relatively large single retail unit on the ground floor with residential units above. Adjacent to the site is a two storey flat roofed mixed use building with two commercial units at ground floor and flats above. Together the structures form a small parade with private forecourt to the front and a shared area for servicing, refuse storage and access to the first floor flats at the rear. The wider surrounding area is residential in nature.

## **2. Proposal**

- 2.1 The application seeks consent for partial conversion of the ground floor of the existing commercial unit from Class A1 to Class A5 (takeaway) and the associated installation of extract/ventilation equipment to the rear of the premises.

## **3. Relevant Planning Policy**

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

## **4. Relevant Planning History**

- 4.1 A summary of the more recent planning history for the site is set out in Appendix 2 of this report.
- 4.2 The historic lawful use of the premises is as a retail unit (Class A1). An application was refused in 2015 for the subdivision of the premises into three Class A5 uses on the basis that it would represent an over-intensification of the unit resulting in harm to the amenities of neighbouring occupiers in terms of activity and associated traffic.

## **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 (18.01.2019). At the time of writing the report 14 letters of objection from 11 separate addresses, 45 copies of a standard objection letter from 28 separate addresses and 5 letters of support have been received in relation to the application. The following is a summary of the points raised:

### **5.2 No need for takeaway in local area/inappropriate use**

#### **Response**

The site does not lie within the defined local centre or otherwise has a particular use designation in the Councils policy documents. The key issues of

consideration will be the impact of the proposal on the character and amenities of the area and nearby occupiers in the context of a presumption in favour of sustainable development. The viability of the proposed use is a matter for the applicant to consider.

**5.3 Nuisance to local residents as a result of parking/additional highways pressure/highways safety/noise and activity/litter**

**Response**

The application relates to the subdivision of an existing commercial unit which (while currently vacant) has an existing impact on the surrounding area. The application will need to be judged into the context of whether the proposal represents a substantially harmful increase in intensity when compared to the existing use of the premises.

**5.4 Takeaway use will result in smells and odour**

**Response**

The Councils Environmental Health team has advised on a number of conditions which they believe are sufficient to mitigate noise and odour associated with the use to an acceptable level.

**5.6 Potential for late night disturbance/anti-social behaviour**

**Response**

The Policy were consulted on the application but have not commented on the proposal. It is noted that there do not appear to be any planning restrictions on the operation of the existing A1 use and this could currently therefore be operated on a 24 hour basis. However, it is accepted that the nature of the proposed use which does include operation into the evening requires some restriction. The proposed hours, to be controlled by condition are considered reasonable in the context of the surrounding street scene.

**5.7 Contrary to previous refusal**

**Response**

The application proposes a single A5 use rather than the three A5 uses proposed previously. This would ensure retaining around half the floor space for the existing A1 retail use. It is considered that the two applications are materially different and will be considered on its own merits in the context of both the previous refusal and current local and national planning policies.

**5.8 Insufficient notification and consultation on application**

**Response**

Letters were sent out to nearby properties and a site notice was posted. The application has received substantial representation letters so it would appear local residents were aware of the scheme. It is considered that the Council has undertaken its statutory responsibility in terms of consultation on the proposal.

**5.9 Wider health implications of takeaway use**

**Response**

The Council seeks to promote a healthy and active city with its planning policies but also has seeks to provide a vibrant and sustainable commercial environment, supporting employment opportunities for local residents. It is not clear that the proposed use will have a specific identifiable harmful impact on the health and wellbeing of nearby residents and as such it is not felt that an application could be refused on this basis.

5.10 **Increased fire risk**

**Response**

The new use will be required to comply with all normal health and safety regulations outside of the remit of the Local Planning Authority.

5.11 **Impact on value of neighbouring properties**

**Response**

The amenity impacts on neighbouring properties can be considered as part of the application but direct impact on value of neighbouring properties is not a material planning consideration.

5.12 **Inaccuracies in plans**

**Response**

A set of amended plans were submitted following the initial submission to address alterations required to the refuse arrangement and extract equipment.

5.13 **Inaccuracies on application form (Q6, 7, 9)**

**Response**

The applicant advised in Q6 that the use is not currently vacant. It was at the time of site visit. The applicant advised in Q7 that no new external materials would be required as a result of the proposal. The application proposes relatively minor alterations to the existing frontage (installation of a new door). Any advertisement alterations would be covered separately. The applicant advised in Q9 that car parking was not relevant to the proposal. This is true in so much as the applicant is relying on the existing parking arrangement and not proposing any alterations in this regard. Notwithstanding the above the Council will assess and consider the impacts of development as it identifies them.

5.14 **Applicant has other takeaway properties in the City**

**Response**

The Local Planning Authority considers the principle of the use being considered. The identity of the individual applicant or the number of properties owned is not a material consideration in the assessment of the proposal.

5.15 **There are covenants on the land which restrict the type of commercial premises which can operate**

**Response**

The grant or refusal of planning permission does not have an impact on separate legal provisions which an occupier may need to address prior to occupation (for example - consent from owner, licenses, covenants). This is a matter for the occupier and relevant parties to resolve and falls outside the remit of the planning system.

5.16 **Letters of support**

- Need to places to eat and drink in local area
- Provide jobs in local area

**Response**

The site does not lie within a designated local centre or other commercial zone so the proposal will be considered taking into account the balance of impacts and benefits associated with the use.

- 5.17 **Highways** – The applicant has identified that the proposed A5 use would have a similar demand to the existing A1 use being replaced. Broadly this is considered true with a direct one for one replacement however it is not considered that the applicant has substantiated this in the context of the subdivision of the existing premises. The applicant has proposed no parking on the forecourt. The existing arrangement (with no dropped kerb and access from the side) does create conflict with other units, though it is noted there is no evidence to suggest historically that this has resulted in accidents.
- 5.17.1 No objection is raised in terms of removal of car parking on the frontage though a servicing plan should be sought to identify how servicing will be managed to the rear. Trip generate is similar between Class A1 and A5 uses but it is unclear from the currently submitted information if the proposal will result in any increase. There are parking restrictions in the surrounding area however a parking survey would allow potential overspill parking amenity issues to be considered in more detail.
- 5.18 **Environmental Health** – No objection subject to a number of suitable conditions to secure further details of extract equipment, refuse and operational details.
- 5.19 **CIL** – Not liable.
- 5.20 **Licensing** – No comment.
- 5.21 **Police** – No comment.

## **6.0 Planning Consideration Key Issues**

- 6.1 The application relates to the change of use of the existing premises from a retail use to a partial use as a Class A5 use (hot food takeaway). The site is currently vacant, with a previous application for the conversion of the premises into 3 separate takeaway uses being refused on two key issues:
- Intensification of use and associated impacts on amenities of neighbouring residents from additional noise and disturbance associated with the uses
  - Intensification of existing highways and parking issues in the surrounding area
- 6.2 The current application proposes a partial conversion of the premises with around half the floor space being retained for the retail use and the remaining floor space being for a new proposed takeaway use.
- 6.3 The site does not lie within an identified local centre but is situated in a small row of commercial premises situated in a wider residential context. There are a mix of different property types in the surrounding area, with flats to the rear and at first floor level in the application site and more typical family residential dwellings in the surrounding area. No objection is raised to the principle of a takeaway use subject to the development not having a disruptive or harmful impact on the residential amenities in the surrounding area in the context of the existing commercial frontage.
- 6.4 Intensification of use
- 6.4.1 The application proposes subdividing an existing commercial unit. The site is currently vacant but could be reoccupied as a retail unit (Class A1) without the need for further planning permission. In the previous consent it would be found that the subdivision of the premises to form 3 units (with multiple units opening until 23.00) would represent a harmful form of development. The current application seeks subdivision of the premises into 2 units with a proposed terminal hour of 22.00.

- 6.4.2 It is considered that the change in the nature of use, when considered in the context of the impacts associated with the existing commercial use of site would not represent such a substantial increase in intensity so as to justify refusing the application. While there will be an increase in associated servicing it is considered that the takeaway use of the premises would represent a change in the impacts associated with the commercial operation of the site rather than representing a substantially harmful increase.
- 6.4.3 The site has been vacant and it is considered that the proposed change would hopefully help make the remaining section of the site more viable for future occupation. The reduction in scope from the previous application is considered sufficient to mitigate the previous concerns regarding intensification of use. Other concerns relating to the specific operation of the site will be addressed below.
- 6.5 Amenities and facilities
- 6.5.1 The application will involve the installation of extract/ventilation equipment associated with the new use. Plans originally submitted showed the extract equipment in positioned immediate proximity to windows serving the first floor residential units. The equipment has subsequently been moved away from these windows to another section of the building. The Councils Environmental Health team have identified a number of conditions they would seek to secure but have advised that they are broadly happy that subject to these conditions the use can be made acceptable.
- 6.5.2 The rear of the site provides access to some of the upper floor residential units. The application proposes to make use of the existing area to the rear of the site to provide servicing and refuse storage for the use. A condition is proposed to secure a refuse and servicing management plan to ensure that servicing is undertaken in a fashion as to ensure minimal impact on highways and local residents.
- 6.6 Parking and highways
- 6.6.1 Local residents have raised significant concerns regarding extant parking issues in the surrounding area, particularly raising concerns that further intensification of the commercial activity in this area will exacerbate existing conflict between customers and immediate local residents.
- 6.6.2 Parking is restricted in the area around the site, with a section to the front of the shops allowing short stay parking. The Councils Highways team have not raised specific objection to the proposal but have noted that parking on the immediate forecourt does appear to be an existing feature of the site. They have identified this situation does cause conflict with pedestrian users of the highway but note that there is no evidence of accidents as a result of this existing arrangement. The applicant has outlined they do not propose to utilise the available forecourt due to concerns with the access (there being no dropped kerb to the immediate frontage of the site). No objection is proposed to this arrangement subject to conditions to secure details of how servicing will be undertaken to the rear of the property to ensure highways impacts are minimised.
- 6.6.3 The Councils highways team have also highlighted that the applicant has not undertaken a parking survey in the surrounding area or provided indicative trip generate data regarding substantive change between the existing lawful A1 use of the site and a potential smaller A1 use and the A5 use proposed. Broadly, it is considered that the parking restrictions in the surrounding area will restrict parking in the immediate street scene around the site. With reference to the previous topic in relation to the intensification of the site, it is considered that the



pattern of visits will likely be different than the existing larger A1 use of the site but it is not considered that the impacts will be as focused and exaggerated as the previous application for 3 units. Overall it is not considered that there would be such substantial harm associated with additional visits to the site as to justify refusing the application on this basis.

**7. Summary**

For the reasons outlined above it is considered that taking into account the differences with the previously refused scheme and considering the proposal on its own merits, it is not felt that the issues raised in the previous reasons for refusal would still result in such significant harm as to justify refusing the application. Other issues are considered capable of being controlled and mitigated through the use of conditions. As such the application is recommended for conditional approval.

**8. Conclusion**

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

**Case Officer Initials for 23/04/19 PROW Panel**

## **PLANNING CONDITIONS**

### 01. Full Permission Timing Condition (Performance)

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

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

### 02. Hours of Use (Performance)

The Class A5 use hereby approved shall not be open to the public outside the following hours:

Monday-Sunday - 12:00-22:00 (midday to 10PM)

Reason: To protect the amenities of adjoining residential occupiers.

### 03. Servicing management plan (Pre-Occupation)

Prior to the first occupation of the use hereby approved a servicing management plan shall be submitted to the Local Planning Authority to include details of how the servicing arrangement for the premises will be undertaken. Any management plan will include a restriction of deliveries to the property outside of the following hours:

08:00-19:00 (8AM-7PM)

Reason: To ensure highways safety and the amenities of nearby occupiers.

### 04. Litter bin (Performance)

A litter bin shall be provided on the site within the customer area of the floor space and made available for use of patrons of the hot food takeaway hereby approved during trading hours.

Reason: To prevent littering in the surrounding area.

### 05. Noise plant and machinery

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority.

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

#### 06. Extract ventilation - Control of noise, fumes and odour

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

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

#### 07. Noise and vibration - Internal noise sources

The use hereby approved shall not commence until the building has been constructed / modified to provide sound insulation against internally generated noise (noise includes vibration) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The building shall be designed and maintained so that doors and windows can be kept shut, with alternative means of ventilation provided.

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

#### 08. 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.

#### 09. Approved Plans

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13            Fundamentals of Design

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

SDP1            Quality of Development  
SDP4            Development Access  
SDP5            Parking  
SDP16           Noise  
REI7            Food and Drink Uses (Classes A3, A4 and A5)  
REI8            Shopfronts

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

15/01864/FUL, Change of use from retail (class A1) to 3x take away units (class A5) with new shop front and installation of extract flue to side.  
Refused, 03.12.2015

*REASON FOR REFUSAL - Loss of amenities*

*Having regard to the predominantly residential location of the site, which is not within an identified Local or District Centre where the Council would normally encourage food and drink uses to be located, the provision of three separate hot food takeaway uses (Use Class A5) would materially harm the amenities of the neighbouring and nearby residential occupiers. In particular, the noise and disturbance arising from the intensity and nature of the comings and goings associated with the proposed uses would result in a level of activity which would be discordant within a residential area. Furthermore, the proposed hours of operation would result in disturbance in late evening when residents would expect to enjoy the peace and quiet of their homes in the evenings. As such, the proposal would be contrary to saved policy SDP1(i), REI7 and SDP16 of the Local Plan Review (amended March 2015).*

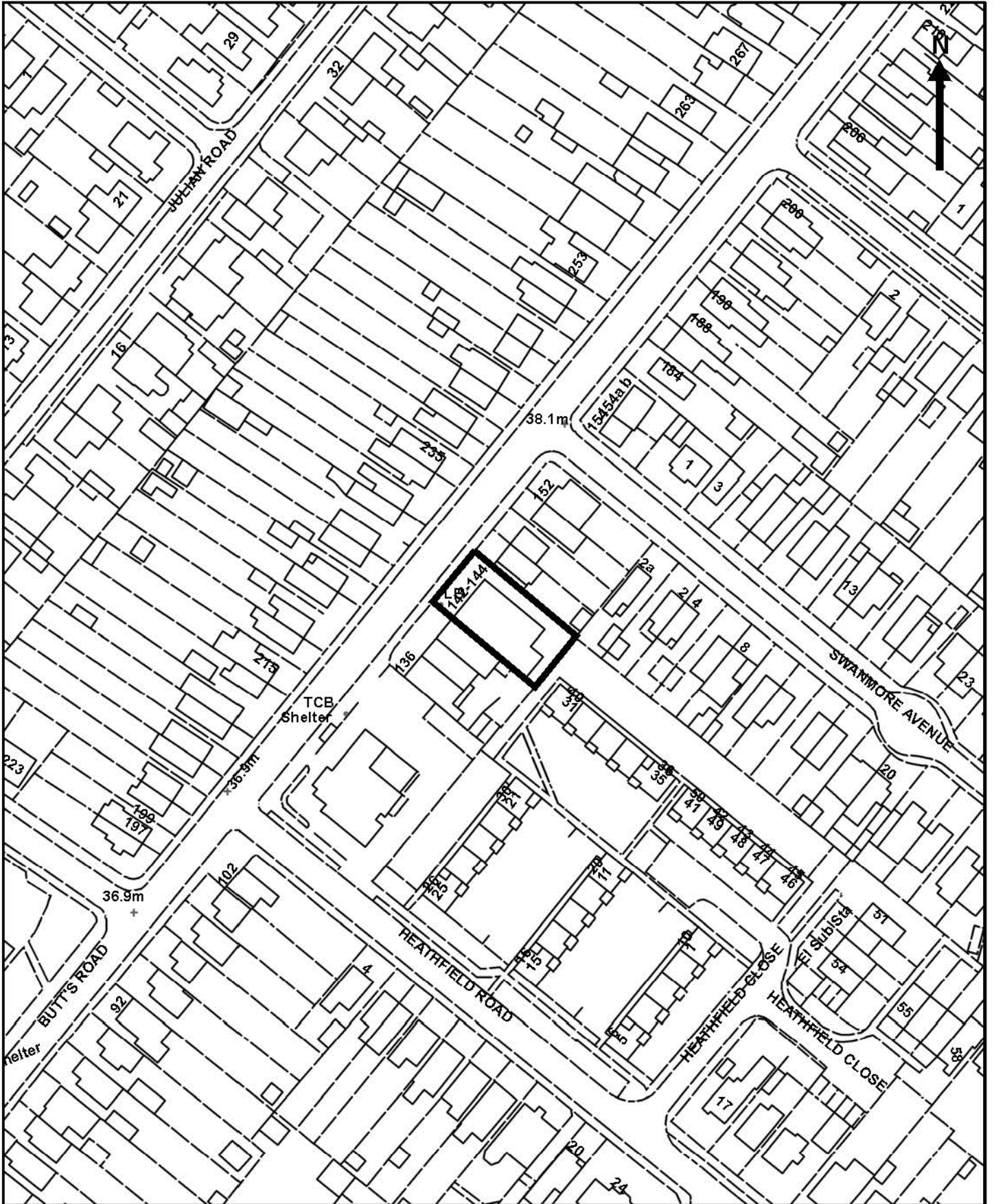
*REASON FOR REFUSAL - Highway and Parking*

*The proposed development, by reason of the level and nature of traffic movements to and from the site would have a detrimental impact on the safety of other highway users, having regard to the existing congestion and vehicle movements resulting from vehicle parking, the nearby bus stop and on-street parking restrictions. Furthermore, the application proposes significantly less parking than permitted by the Council's adopted Car Parking Standards Supplementary Planning Document and it has not been adequately demonstrated that the parking demands generated by the development could be accommodated on the application site. As such, the proposal would adversely affect the safety and convenience of the other users of the adjoining highway and prove contrary to the provisions of Policy SDP1 of the City of Southampton Local Plan Review (Amended 2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (amended 2015) and as supported by the Council's Parking Standards Supplementary Planning Document 2011.*

06/01470/FUL, Installation of through the wall ATM.  
Refused, 07.12.2006

04/01992/FUL, Installation of an air conditioning/ refrigeration unit to the rear and shop front alterations.  
Conditionally Approved, 10.05.2005

04/01640/FUL, Installation of new shop front, ATM and trolley bay to front and air conditioning/refrigeration unit to rear.  
Refused, 13.12.2004



Scale: 1:1,250

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# Agenda Item 6

## Planning and Rights of Way Panel 23<sup>rd</sup> April 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

<b>Application address:</b> Boldrewood Campus, University of Southampton, Burgess Road			
<b>Proposed development:</b> Installation of two new winches and associated enclosures, relocation of roof access stairs, existing chemical store and access door.			
<b>Application number:</b>	18/02308/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	John Fanning	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	15.02.2019	<b>Ward:</b>	Bassett
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr L Harris Cllr B Harris Cllr Hannides
<b>Referred to Panel by:</b>	Cllr Hannides	<b>Reason:</b>	Excessive noise level would have a material and adverse impact on nearby residents
<b>Applicant:</b> Mr Kevin Monaghan		<b>Agent:</b> Studio Four Architects	

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies –CS11 and CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9 and SDP16 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

**Recommendation in Full**  
**Conditionally approve**

## **1. The site and its context**

- 1.1 The application site forms part of the Boldrewood campus of the University of Southampton. The wider site is situated in a prominent location at the junction of Bassett Avenue and the eastern side of Burgess Road, two key arterial routes into and through the city.
- 1.2 The proposal itself is set well within the site, and effectively screened from the Bassett Avenue and Burgess Road frontages. The proposals are positioned much closer to Oaklands Way, a private road which runs immediately along the north of the Boldrewood site, and Bassett Crescent East which runs around the northern eastern corner of the site.

## **2. Proposal**

- 2.1 The application proposes a number of minor alterations to the existing building in order to facilitate the erection of single storey extensions to the eastern and western side of the building to house a winch mechanism serving the internal towing water tank within the building.
- 2.2 The original building forms part of the ongoing redevelopment of the site. Consent was originally sought for comprehensive redevelopment of the wider area of which the host building forms one part. The existing building is sizable, stretching over 140m along the northern boundary of the site with a footprint of around 2600m<sup>2</sup>. The building has a flat roof but due to drops in the sites levels to the east varies between 4m and 8.5m in height.
- 2.3 The application proposes a number of alterations to the originally approved building:
- Extension to the western end of the building (1.9m high, 3.5m wide, 9.3m deep)
  - Re-siting of roof access stairs to western end of building to accommodate extension
  - Re-siting of existing store by 5m to the south to accommodate extension
  - Extension to eastern end of the building (2.7m high, 1.8m wide, 6.5m deep)
- 2.4 The development originally sought to provide the winch mechanism internally within the building. Given the very specific nature of the proposed research use undertaken within the building individually designed components are required which have resulted in a number of amendments to the original draft designs. The University have advised it is not feasible to provide the winch mechanism internally within the building given the space available and layout of the building and as such have submitted the current application. The winch mechanisms therefore sit outside.

## **3. Relevant Planning Policy**

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



therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### **4. Relevant Planning History**

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

4.2 The site has recently undergone substantial redevelopment which is still ongoing. The proposal forms part of a more comprehensive scheme by the University to improve its facilities and research capabilities. The development was originally proposed under application 07/00985/OUT which provided initial outline proposals for the entire development. A subsequent application extended the time to implement this consent under application 11/00963/TIME before 12/01167/REM approved a more detailed scheme of development for the current building. A subsequent application under 14/01234/NMA made further minor amendments to the proposal.

#### **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 (initially posted 15.01.2019 with subsequent notices posted 07.03.2019). At the time of writing the report **11** representations have been received from surrounding residents. The following is a summary of the points raised:

##### **5.2 Concerns with inadequacies in noise report**

###### **Response**

A number of specific concerns with the noise report were identified by local residents, primarily relating to concern with the noise levels looking to be secured, lack of specific detail on both noise generating equipment and acoustic enclosure, accuracy of background noise levels. This issue is discussed in more detail in section 6 however, in summary, the Councils Environmental Health team is satisfied that the submitted report provides a reasonable initial assessment of the noise impacts of the proposal and would seek to secure suitable conditions to ensure the noise impacts of the development are mitigated to a suitable degree. The background noise levels identified would appear to be relatively typical for a quiet residential environment.

##### **5.3 Damage to nearby properties from vibration during construction**

###### **Response**

The current works are relatively minor in scope and unlikely to cause problems of this nature. Any concerns that damage was done during construction of the existing building would be a private matter between the relevant land owners.

##### **5.4 24 hour operation is unreasonable in terms of quiet residential character of surrounding area**

###### **Response**

Subject to the noise concerns being satisfactorily addressed, it is not considered that the operation of the premises on a 24 hour basis for the use outlined would be substantially harmful to the character of the wider area. The University has indicated that the nature of the research requires a 24 hour operation.

##### **5.5 Footprint exceeds that of original building which fails to reflect original plans/will be visible from nearby properties**

###### **Response**

A new application has been submitted for the current proposal on the basis that it differs from the previously consented scheme. The current application should therefore be considered on its individual merits at the time of submission. It is felt that the additional massing proposed is relatively minor and will not have a substantial impact on the overall visual impact of the development for neighbouring occupiers.

**5.6 Impact on residential value of nearby properties**

**Response**

While issues such as residential amenity do form part of the assessment of the application, impact of property values is not a material planning consideration.

**5.7 Contrary to provisions of Bassett Neighbourhood Plan**

**Response**

The Bassett Neighbourhood Plan has a number of policies which identify the special nature and character of Bassett and seek to protect the quiet, verdant nature of the primarily residential ward. The proposal will be considered in the context of these aims but given the relatively minor extent of the proposed works it is not considered the proposal is contrary to the provisions outlined in the Plan.

**5.8 Residents have had to put up with previous disruption associated with redevelopment/construction and should not be further inconvenienced**

**Response**

The redevelopment included a number of conditions to minimise disruption during construction but notwithstanding this it is accepted there will always be an impact while development is taking place. It is not considered that this temporary disruption would represent sufficient justification on its own to justify refusing the current application.

**5.9 Insufficient consultation**

**Response**

While Policy BAS2 of the Bassett Neighbourhood Plan does encourage developers to engage with local residents regarding planning applications prior to submission, it is not considered that failing to do so would justify refusing planning permission. The Council has undertaken a consultation exercise which includes posting site notices and sending letters to nearby properties. Following concerns from local residents regarding the initial siting of site notices, a second set of notices were posted providing additional time for residents to comment if needed. It is considered that the Council has met its statutory obligation in terms of public consultation.

**5.10 Application should secure protection of nearby hedging/vegetation which offers valuable screening and ecological benefits**

**Response**

The current application would not appear to have any substantial impact on the nearby vegetation beyond that of the existing building.

**5.11 Consultation Responses**

**5.12 Environmental Health** - We have no objections to these proposals provided that the recommendations in Section 5.4 of the submitted noise impact assessment are fully adhered to. Furthermore we would recommend that noise readings are taken following completion of the acoustic enclosures, if the planning application is successful, to verify that the necessary sound attenuation has been achieved.

However, I do understand that residents would like to have the “not noticeable” perceptive criteria but we in Environmental Health cannot insist on this. However, it is recommended that the University commission a specialist acoustic consultancy who can design the enclosures to reduce noise levels as far as practicable to the “Not noticeable” end of the perceptive chart as detailed in **Table 1: NPPG Noise Exposure Hierarchy** page 7 of the Noise report.

5.13 **Archaeology** – No objection.

5.14 **Cllr Hannides** – Residents have expressed serious concern relating to the substantial increase in noise level created by these proposals. I support their objections and would like to draw attention to the material and adverse impact this would have on the occupants of neighbouring residential dwellings.

## **6.0 Planning Consideration Key Issues**

The application proposes the extension of an existing building on the Boldrewood Campus of Southampton University (in close proximity to Oaklands Way). The application consists of extensions to the eastern and western side of the building. The building is currently in use as a towing tank. The extended parts of the building are proposed to house a winch mechanism to pull apparatus from one end of the building to the other.

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

- Impact from the physical extension of the building;
- Noise associated with internal use of premises

### 6.2 Physical extension

6.2.1 The extensions to the building are relatively small scale in the context of the larger main building. The extension to the western side is visually shielding by trees, the existing building and the neighbouring car park. The extension to the eastern side will be more exposed to the entrance from the site from Bassett Crescent West.

6.2.2 Broadly it is considered that the appearance of the extension elements will be relatively minor in the context of the overall scope of the development. A condition has been recommended to secure the final external appearance of the extension.

### 6.3 Noise

6.3.1 The siting of the extensions is to facilitate the installation of a winch mechanism. The building was originally constructed with the intention of these being installed elsewhere in the building, however there are few other similar sites in the country and the custom design has required subsequent amendments to the nature of the design resulting in the current application. The applicant has submitted a noise report outlining the noise mitigation measures that will be in place to reduce breakout noise. The Councils Environmental Health team have advised they are satisfied with the submitted details subject to suitable conditions to secure the outcomes identified in the report.

6.3.2 Residents have identified particular concerns with section 5.6 of the acoustic report which identifies that the proposal will likely achieve levels between LOAEL (lowest observable adverse effect level) and SOAEL (significant observable adverse effect level), while local residents would prefer the Council seek to achieve NOAEL (no observable adverse effect level). To summarise, it identifies that there will be an impact but that it falls short of intrinsically identifying significant harm.

6.3.3 Planning incorporates a presumption in favour of development except where harm is otherwise identified, balancing the impacts of development. Section 2.24 of the Noise Policy Statement for England (NPSE) identifies a general approach for

development which falls between LOAEL and SOAEL, outlining that 'all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development'. It continues to note that this 'does not mean that such adverse effect cannot occur'.

- 6.3.4 With reference to the consultation response from the Environmental Health team, the Local Planning Authority does not consider it can reasonably require that a NOAEL is sought. In cases where the noise level lies between LOAEL and SOAEL values the Council should seek to secure appropriate mitigation to ensure levels are kept to an acceptable level. The Councils Environmental Health team considers that the levels laid out in the submitted noise report are reasonable and recommend that suitable conditions are imposed to ensure that the specific criteria outlined in the report can be met.
- 6.3.5 Local residents have raised concerns that the report was not based on specific readings of the exact circumstances of the proposal. Given the unique nature of the equipment, the applicant has advised that further off site testing will take place when the machinery is available to determine the necessary acoustic shielding that will need to be installed to achieve the noise levels laid out in the submitted report and again following installation of the equipment to ensure that the levels submitted are being achieved. A condition has been recommended to secure this.

## **7. Summary**

For the reasons outlined above it is considered that the wider impacts of the proposed development can be addressed through the use of conditions, while the immediate visual impact will be minimal in the context of the host structure. On this basis the application is recommended for conditional approval.

## **8. Conclusion**

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)(g), 4(f)(g), 6(a)(b)

**Case Officer Initials for 23/04/19 PROW Panel**

## **PLANNING CONDITIONS**

### 01. Full Permission Timing Condition (Performance)

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

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

### 02. Noise (Pre-Occupation)

Prior to the first use of the extensions hereby approved a noise report shall be provided outlining details of acoustic cladding and off-site testing of noise generation to demonstrate that the noise levels outlined in the submitted noise report can be achieved (with particular reference to section 5.4). The development shall be implemented in accordance with these details and thereafter maintained in accordance with the specifications outlined.

Reason: To protect the amenities of nearby occupiers.

### 03. Materials to match (Performance Condition)

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

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

### 04. Approved Plans

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS11            An Educated City  
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  
SDP16           Noise

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)  
Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
Noise Policy Statement for England (2010)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

**07/00985/OUT, Redevelopment of the site. Demolition of most of the existing buildings and erection of new buildings to provide up to 32,000 square metres gross floorspace for University purposes, 468 car parking spaces, landscaping, temporary and permanent access arrangements, including a new vehicular access from Burgess Road and ancillary works. (Outline application seeking approval for access arrangements).**

**Conditionally Approved, 18.06.2008**

08/01097/FUL, Development of Phase One of the Boldrewood Campus to include the construction of Block A, a 6-storey building (Class B1 office accommodation and/or Class D1 university use including provision for the Maritime Institute - 10,270 square metres gross external floorspace); Block B, a 5-storey building of new University accommodation (Class D1 - 5,749 square metres gea); extensions and alterations to Block C (Class D1 - 286 square metres gea new floorspace) with a new vehicular access from Burgess Road, associated access alterations, parking and interim landscape works following demolition of the existing buildings - Description amended following validation

Conditionally Approved, 19.02.2009

10/01058/FUL, Erection of a single storey detached building to house plant and equipment for the electricity supply to the campus - Description amended following validation and receipt of amended plans

Conditionally Approved, 19.01.2011

11/00286/NMA, Application for a non-material amendment to planning permission ref: 08/01097/FUL relating to elevational details to block A, and external cladding materials for the Lloyds Register Building as part of the Boldrewood redevelopment proposals.

No Objection, 15.03.2011

11/00499/FUL, Erection of a decked car park to provide 165 car parking spaces together with the provision of a surface car park (168 spaces) for use in association with the approved uses of Block A of the Boldrewood campus redevelopment as approved under planning permission reference 08/01097/FUL, and/or in association with the Class D1 university use of the buildings and associated access roads and landscaping.

Conditionally Approved, 01.07.2011

**11/00963/TIME, Extension of time to implement previous planning permission (ref 07/00985/OUT) to redevelop the site with new buildings of up to 32,000 square metres floor space for University purposes, 468 car parking spaces, landscaping, temporary and permanent access arrangements, including a new vehicular access from Burgess Road and ancillary works. (outline application seeking approval for access arrangements)**

**Conditionally Approved, 28.06.2012**

11/01173/NMA, Application for a non material amendment to planning permission 08/01097/FUL seeking alterations to the materials and fenestration of block B together with re-location of the lift internally.

No Objection, 12.08.2011

**12/01167/REM, Application for reserved matters approval of layout, scale, appearance and landscaping pursuant to Block H and associated works of the outline planning permission reference 11/00963/TIME for redevelopment of the Boldrewood campus. Note: application also seeks to discharge conditions 2 (additional detail), 11 (landscaping), 14 (arboricultural method) and 15 (tree safeguarding) of permission 11/00963/TIME.  
Conditionally Approved, 26.10.2012**

13/00686/FUL, Installation of 1x 3.5m and 1x 1.5m flues on the roof of block B, Boldrewood Campus  
Conditionally Approved, 04.07.2013

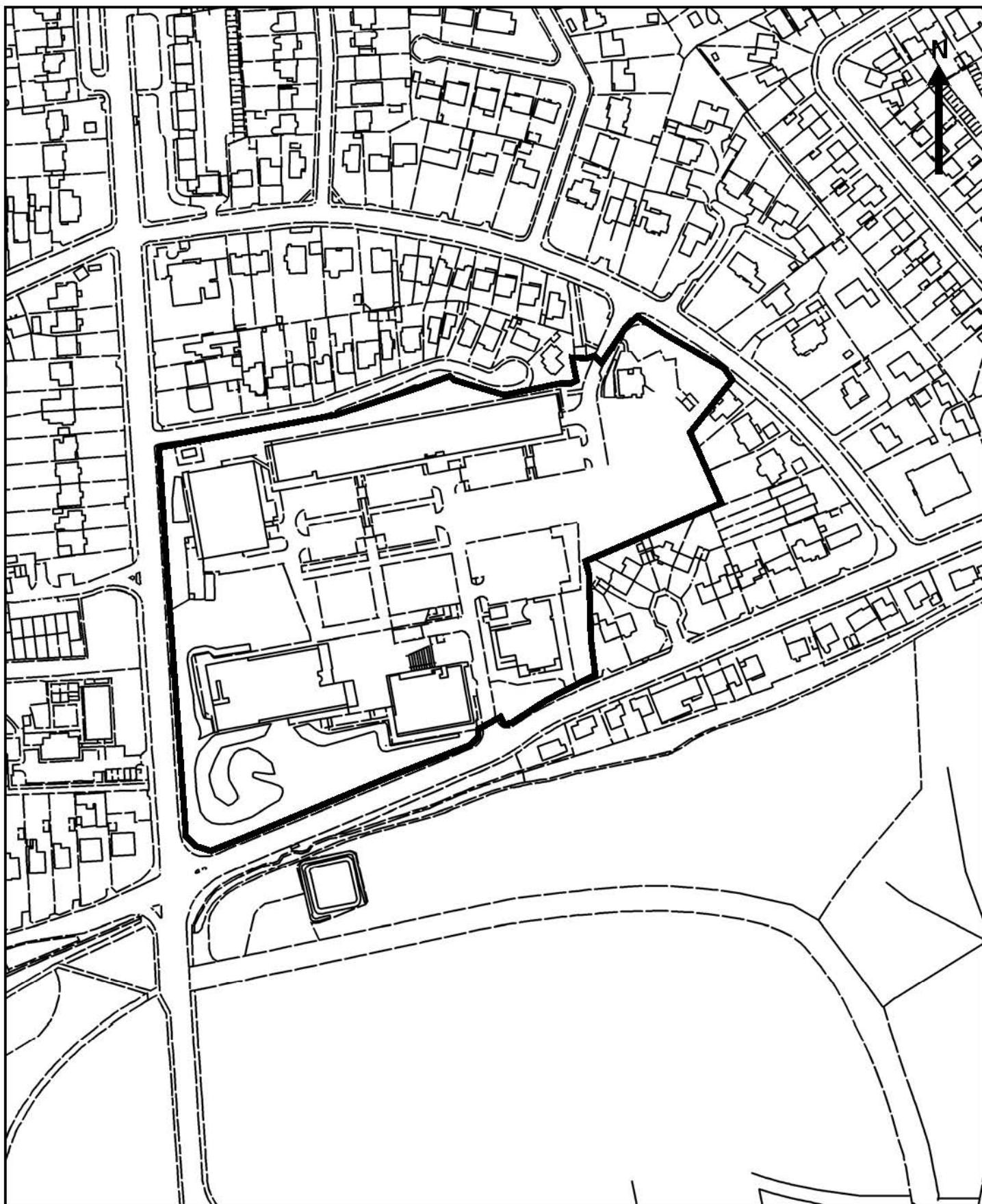
13/01702/NMA, Application for a non material amendment to planning permission 08/01097/FUL relating to the external appearance of blocks A and B and the external podium between the buildings  
No Objection, 21.11.2013

**14/01234/NMA, Non material amendment sought to planning permission ref 12/01167/REM for internal and external alterations to block H including landscaping.  
No Objection, 15.08.2014**

15/01025/FUL, Construction of a 4 storey building to provide 5620 square metres of floorspace for University use (Class D1) and associated surface car parking to provide 59 parking spaces, together with access, landscaping and cycle store - description amended following to increase the floorarea by 167sq.m formed within an extended basement  
Conditionally Approved, 06.08.2015

16/01635/NMA, Non material amendment sought to planning permission ref: 15/01025/FUL for new teaching block comprising additional basement floorspace, increase in height to staircase and alterations to external appearance (including door, window and design changes)  
No Objection, 31.10.2016





Scale: 1:2,500

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**Planning and Rights of Way Panel 23<sup>rd</sup> April 2019**  
**Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

Application address: 47 Gainsford Road, Southampton SO19 7AS			
Change of use from a dwelling house (class C3) to a flexible use as a dwelling house (class C3) or a small house in multiple occupation (6-bed HMO, class C4) (amended to flexible C3/C4 use after validation)			
Application number:	19/00189/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	03.04.2019	Ward:	Peartree
Reason for Panel Referral:	Referrals from Ward Councillors and Five or more objections have been received	Ward Councillors:	Cllr Bell Cllr Keogh Cllr Houghton
Applicant: Mr Martin Hughes		Agent: None	

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 (2018). Policies –CS13, CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, H4, and H7 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the HMO SPD (2016), Parking Standards SPD (2011) and Residential Design Guide SPD (2006).

<b>Appendix attached</b>			
1	Development plan policies	2	Parking survey
3			

**Recommendation in Full**

**Conditionally approve**

## **1. The site and its context & background to the scheme**

- 1.1 The site lies on the south-eastern side of Gainsford Road within Peartree ward and within a short walking distance of the One Stop convenience store on Peartree Avenue. To the South (approx. 770m / 13 minute walk) lie local convenience stores on Bridge Road, with further facilities in Woolston District Centre beyond (approx. 16 min walk). Bitterne District Centre lies 110m north-east (approx. 22 min walk).
- 1.2 The surrounding area is mainly suburban housing with a mix of housing styles. Many of the properties on the opposite side of Gainsford Road have been historically subdivided into flats. The property is part of a modern development of three and four-storey townhouses, each with 5 bedrooms, originally granted permission under reference 07/00068/FUL in 2007.
- 1.4 The application site comprises a three-storey detached dwelling with integral garage. There are 2 off-road parking spaces on a sloping block-paved driveway to the front and planting bed along the northern boundary. The property has a gated path along the eastern side boundary, leading to a large 20m long (238m<sup>2</sup>) garden to the rear, which is terraced with a large area of decking and lawn and two further terraced lawn areas with rotary washing line, stepping up to the rear boundary.

## **2. Proposal**

- 2.1 In response to the objections raised by local residents and Ward Councillors, the applicant has now amended the proposal to reduce the number of bedrooms from 7 to 6, thereby scaling the proposal down from a large Sui Generis HMO to a small C4 HMO and reducing the intensity of occupation on site. Planning permission is now sought for flexible use as either a C3 dwelling or a small C4 HMO for 6 persons, by subdividing the existing first floor front lounge into 2 bedrooms and converting the ground floor front bedroom and en-suite into a communal study and WC.
- 2.2 The amended proposal now provides 6 good sized bedrooms of between 10m<sup>2</sup> and 17.5m<sup>2</sup>, 5 with en-suite bathrooms, and 1 next to the large second floor shared bathroom. Communal facilities comprise a large open plan kitchen / dining / living area (38m<sup>2</sup>), opening directly onto the rear garden decking; A large utility room (9.1m<sup>2</sup>), study (10m<sup>2</sup>) and cloakroom WC at ground floor; and large shared bathroom at second floor.
- 2.3 The residential environment is of good quality and the room sizes far exceed the minimum standards for mandatory HMO licensing, which are min 6.51m<sup>2</sup> for bedrooms, and min 13m<sup>2</sup> for combined kitchen/living room area for 6 occupants. In addition, the property provides 238m<sup>2</sup> of private amenity space with bin storage via the side access path, cycle storage within the garage and 2 off-street parking spaces on the driveway, with a potential third space in the garage.

## **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 are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in February 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.

3.3 Policy H4 (HMOs) and CS16 (Housing Mix) support the creation of a mixed and balanced community, and require new HMO proposals to be assessed against maintaining the character and amenity of the local area. The HMO SPD sets out a 10% threshold test (carried out over a 40m radius) to avoid over-concentrations of HMOs and unbalancing the mix of households within a local community.

3.4 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. Policy SDP7 (Context) allows development which respects the character and appearance of the local area. Policy H7 (Residential Environment) expects residential development to provide good quality living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards set out in the Residential Design Guide and Houses in Multiple Occupation SPDs, which seek high quality housing, maintaining the character and amenity of the local area.

#### **4. Relevant Planning History**

4.1 The application site is part of a modern development of three and four-storey townhouses, originally granted permission under reference 07/00068/FUL in 2007. This application granted conditional approval for “*Erection of 11 four-bedroom houses (two main storeys plus additional accommodation in the roof space and at lower ground floor level) with associated parking (Note - Affects Public Right of Way)*”. There is no other planning history for this site.

#### **5. Consultation Responses and Notification Representations**

5.1 Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a subsequent site notice on 22.02.2019. At the time of writing the report **14** representations have been received, 12 of which are from surrounding residents living in Gainsford Road, 1 of which is a group letter from residents of Bryanston Road, and 1 of which is from a resident outside of the ward who visits Gainsford Road regularly. The group letter from residents of Bryanston Road was received after the response deadline, however it has been included, as it contained issues relevant to this planning application. Below is a summary of the points raised:

5.1.1 **The proposal will exacerbate existing parking issues and create potential highway safety problems. The survey is not a true reflection of parking in Bryanston Road.**

**Response:** The amended proposal will now have a maximum of 6 bedrooms. The Council has maximum parking standards and provision of less than the maximum number of spaces would still be policy compliant. This is discussed further below.

- 5.1.2 **Gainsford Road is made up of predominantly family households. The introduction of an HMO is out of character with the local area. This will set a precedent for more HMOs and this will change the character of the area. The value of homes will be negatively affected.**

**Case Officer's Response:** The impact on property value is not a material consideration. The introduction of a single HMO within the 40m radius would not breach the 10% threshold for HMO properties and so is not considered to significantly change the character of the area. Any future applications for new HMOs within Gainsford Road would be assessed against the 10% threshold test. HMOs can exist within areas of family housing as part of mixed and balanced community and there is a recognised need for all types of housing across the City.

- 5.1.3 **The over-intensive use would result in additional comings and goings, causing noise nuisance and general disturbance for neighbouring residents.**

**Case Officer's Response:** This issue is discussed further below.

- 5.1.4 **The proposal would generate nuisance due to refuse bins being left out, anti-social behaviour and littering to the adjacent public footpath and stairway.**

**Case Officer's Response:** The property has an existing bin storage area within the gated access path, and there is capacity for the proposed larger 360 ltr bins, away from the street edge. These arrangements can be controlled via condition.

- 5.1.5 **Neighbouring residents in Bryanston Road were not consulted.**

**Case Officer's Response:** No.74 Bryanston Road, directly neighbouring to the rear, was notified by letter in accordance with correct consultation procedures.

### **Consultation Responses**

- 5.2 **Highways Development Management:** (summarised) It is difficult to accurately predict the car ownership levels between the existing and proposed use, however, in terms of the maximum parking standards, the difference would be minimal.

- 5.2.1 The site does have two forecourt parking spaces as well as garage parking, however plans are not to scale to clarify whether the garage could accommodate a modern sized vehicle [*N.B. scaled plan now submitted*]. It would be unlikely the garage will be used as it could be blocked by another resident. Therefore the development is considered to have 2 on-site parking spaces, 1 less than maximum parking maximum standards. Census data of car ownership for Peartree ward shows only 1.18 vehicles per household – although this is an average figure and does not differentiate between C3 or C4 (HMO) households.

- 5.2.2 The parking survey is generally in accordance with the Lambeth Methodology and of an acceptable standard. The survey shows sufficient spaces within the 200m survey area, indicating capacity to accommodate this development. Additional demand for on on-street parking is more an amenity issue than safety, so the above is to inform the case officer and actual results will hold limited weight in this [*highways*] recommendation.

8 cycle spaces are proposed but these should be provided via horizontal stands rather than the proposed vertical. [*N.B. amended plans have now been submitted*].

- 5.2.3 The forecourt bin access is sloped, so there is potential for bins left on the highway on collection days, however, this is an existing arrangement and the amount of bins will not change, only increased in size. Therefore, this is considered acceptable. In summary, the proposed development is considered acceptable subject to the cycle spaces being provided with horizontal stands
- 5.2.4 **Case Officer's Response:** The amended proposal for flexible use as either a C3 family dwelling, or 6 bed C4 HMO would still have an expected maximum standard of 3 parking spaces, which is the same as for the existing 5 bed C3 family dwelling. The amended floorplan now shows that the Garage measures 6m by 2.9m, which meets our minimum standard in length and is only 10cm narrower in width. The Parking Survey also shows that there is ample capacity in the local area to absorb potential overspill parking. The cycle storage provision has been amended to show 6 spaces on Sheffield stands, which now complies with the Parking Standards SPD.
- 5.3 **Ward Councillor Eamonn Keogh:** Objection. Referral to PROW panel. The proposal will exacerbate existing parking problems. The forecourt is large, but unlikely to provide more than 3 spaces. Poor access to public transport. Very few HMO's in the area; mainly family homes. Application would change character of the area and encourage future applications. Lack of good public transport and no local shops in easy walking distance. Loss of family home. Poor amenity for occupiers: cramped living conditions, overcrowding of kitchens and living rooms, small rear garden. Concerns about noise transfer internally.
- 5.4 **Ward Councillor Alex Houghton:** Objection. Referral to PROW panel. The proposal will exacerbate existing parking problems. Precedent set by this application would be damaging for the local area. This road is popular with families and it would be a shame to lose a family home.
- 5.5 **SCC Environmental Health** – No objection, but recommend planning condition regarding refuse and recycling storage.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in determining this planning application are:
- The principle of development;
  - Effect on character;
  - Residential amenity; and,
  - Parking, highways and transport.
- 6.2 Principle of Development
- 6.2.1 Policy H4 acknowledges there is a need to maintain the supply of housing whilst balance this against maintaining a sustainable mix of households within the community. The threshold test set out in section 1.1 of the Council's HMO SPD indicates that the maximum concentration of HMOs should not exceed 10% of the surrounding residential properties within a 40m radius. The proposal would not be contrary to policy CS16 given that the property can be readily converted back into use as a family dwelling with minimal changes.
- 6.2.2 As such, the principle of development to convert the property into use as either a C3 residential dwelling, or a C4 small HMO for 6 persons can be supported, subject to an assessment of the planning merits.



### 6.3 Effect on character

- 6.3.1 The HMO concentration as a result of this application would be **6%** (1 HMO out of 17 eligible residential properties) which is significantly under the 10% limit for the 40m radius survey area.
- 6.3.2 The Case Officer's investigation found 3 properties which needed to be excluded from the calculation, bringing the number of eligible residential properties down from 20 to 17, as they had only 2 bedrooms, so were not capable of hosting an HMO use (No's 54, 56 and 57 Gainsford Road). This investigation found no other HMO uses within the 40m radius, so the proposal would be the first in the street.
- 6.3.3 This assessment comes as the result of an examination of available data in the form of the Planning register, Electoral register, Council Tax records and HMO Licencing register. Where the current status of a property remained unclear, further research was undertaken by way of publicly available property sales records. The HMO SPD acknowledges that it will not be possible to guarantee a 100% accurate count in all cases, however there was no visible evidence found on the site visit to cast doubt on these findings.
- 6.3.4 Given the mix of housing types and sizes within this area of Gainsford Road, and the low concentration of HMO properties within the 40m radius, it is not considered that the character of the area will be materially changed. The mix and balance of the area will still be predominantly made up by family households, and the comings and goings associated with the intensification of use to a 6 bedroom small HMO (occupancy limited to 6 unrelated persons) would not be significantly more harmful than the existing use of the property as a large 5 bedroom C3 family home. In addition, the proposal for flexible use as either C3 or C4 small HMO allows flexibility for the property to be rented to a single family in future, if market demands change.
- 6.3.5 The concerns of setting a precedent for creating more HMOs in the area can be adequately controlled by the 10% threshold policy, as this would prevent an overconcentration of HMOs within a 40m radius of the site.
- 6.3.6 As such, the amended proposal for flexible use as either a C3 residential dwelling, or a C4 small HMO for 6 persons would respect the character of the area in accordance with the aims of policies H4, SDP7, CS13 and CS16 and other relevant policy guidance.

### 6.4 Residential amenity

- 6.4.1 There will be an impact on neighbouring properties in association with the amended proposal for flexible use as either a C3 residential dwelling, or a C4 small HMO for 6 persons, however in this particular case, given the detached nature of the property, it is considered that the level of comings and goings and other incidental activities associated with a small C4 6 bedroom HMO use would not be significantly more harmful than the existing use of the property as a large 5 bed C3 family home.
- 6.4.2 In addition, it is noted that issues regarding bin storage can be controlled via condition. As such, the intensification of the use from C3 family dwelling to flexible use as either a C3 dwelling, or a C4 small HMO on this detached plot would not detrimentally affect the amenity of the neighbouring occupiers.

### 6.5 Parking highways and transport

- 6.5.1 We note the concerns raised by local residents in relation to pressure on local street parking. The parking standards set out in the HMO SPD (section 5) expect



a 6 bedroom C4 small HMO to provide a maximum of 3 parking spaces, which is the same as the maximum provision for the existing 5 bed C3 family dwelling. 47 Gainsford Road provides 2 parking spaces on the existing front driveway. There is a potential third parking space in the garage, however the Highways Officer has noted that the garage parking space would be obstructed if the driveway parking spaces were both in use.

- 6.5.2 The Parking Standards SPD states that provision of less than the maximum number of spaces is permissible, however, it should be demonstrated that there is sufficient kerbside capacity within surrounding streets to absorb overspill parking.
- 6.5.3 A parking survey has been submitted to support this application, indicating that there is sufficient on-street parking capacity within the local area, with an existing parking stress of between 22% - 28%. The parking survey was carried out on four occasions: two overnight surveys (at 00:30 on 7<sup>th</sup> and 8<sup>th</sup> March, in line with the recommended Lambeth Model); an additional weekend daytime survey (17:00 on 10<sup>th</sup> March) and an additional weekday daytime (12:00 12<sup>th</sup> March). See the table of survey results at **Appendix 2**. Although these are snapshots, this comprehensive parking survey demonstrates that there was sufficient kerbside capacity to absorb the parking demand from potential additional cars as there were found to be between 27 and 35 spaces available at the time of each survey.
- 6.5.4 The amended proposal indicates that 3 'Sheffield' type, floor-mounted cycle stands will now be provided within the existing garage, which would provide individually lockable spaces for 6 cycles, in accordance with the Parking Standards SPD. Whilst this will impact on space in the garage, it is worth noting that our minimum garage parking space size (6m x 3m) already includes provision for cycle and bin storage.
- 6.5.5 The Highways Officer has no objection in principle to the proposal, and has indicated that the issue of parking capacity in the local area is one of amenity, rather than highway safety. The amended proposal has reduced the intensity of occupation on site from 7 persons down to 6, and introduces a flexible use between C3 and C4 (HMO). Taking this into account, along with the findings of the parking survey, the impact on local parking amenity is not considered significantly harmful.

## **7. Summary**

- 7.1 In summary, the proposal for flexible use as either a C3 residential dwelling, or a C4 small HMO for 6 persons at No.47 is not considered to be significantly harmful to the character and amenity of the area, nor to highway safety. The introduction of an HMO use would not imbalance the mix of the family households in the community, as this would be the first within a 40m radius of the site, and this proposal would positively contribute towards the range of available smaller housing within the City. Furthermore, the comings and goings, including traffic and parking demand, associated with the C4 small HMO use would not be significantly harmful to the amenity of neighbouring residents.

## **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)

**AC for 23/04/19 PROW Panel**

## **PLANNING CONDITIONS**

01. Full Permission Timing Condition (Performance)

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

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

02. Approved Plans

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

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

03. C3/C4 Dual use 10 years

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

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

Note to applicant: Whilst this planning permission allows occupation of the building as both a single dwelling and by a shared group, you are advised that an HMO that is licensed needs to have that license revoked before the building can lawfully be occupied again as a single dwelling.

04. Retention of communal spaces

The rooms labelled Kitchen, Lounge and Study on the plans hereby approved shall be retained at all times for communal use only, to serve the occupiers whilst in HMO use.

REASON: To ensure that a suitable communal facilities are provided for the residents.

05. Occupancy limit

The C4 small HMO use hereby approved shall be occupied by no more than 6 persons.

Reason: In the interests of protecting the character and amenity of the local area and to ensure appropriate shared space is available.

06. Parking

Before the development first comes into occupation, the existing two driveway parking spaces and the third garage parking space shall be made available for use by all occupants of the HMO use hereby approved. These parking spaces shall thereafter be retained as available for use at all times by the occupiers of the HMO use.

Reason: In the interests of local parking amenity.

06. Cycle and bin storage

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

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

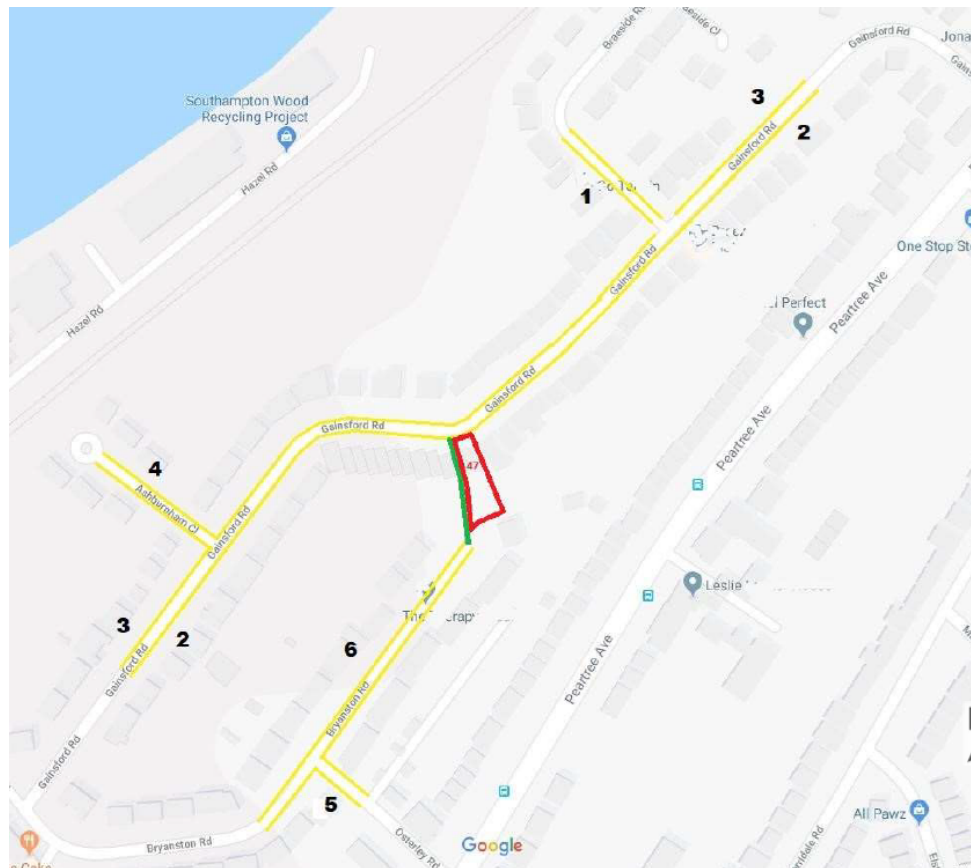
Other Relevant Guidance

The National Planning Policy Framework (2019)

Parking Survey

**Survey Results**

Parking Location	Marked Parking Bays	Kerb Space (m)	Max Spaces	Survey 1	Survey 2	Survey 3	Survey 4
				Thurs 07/03/19 0030-0045	Fri 08/03/19 0030-0045	Sun 10/03/19 1700-1715	Tues 12/03/19 1200-1215
1 Braeside Rd	-	25.5+10.2	7	5	5	5	3
2 Gainsford Rd (south)	-	215 total	39	11	10	10	9
3 Gainsford Rd (north)	-	228.5	40	11	11	9	8
4 Ashburnham Cl	-	5.2+10.2	3	0	0	0	0
5 Osterley Rd	-	23.5+23.5	18	5	4	5	3
6 Bryanston Rd	-	(2x23) +7.6 +(2x6) +11+27	18	3	5	3	4
<b>TOTAL</b>			<b>125</b>	<b>35</b>	<b>35</b>	<b>32</b>	<b>27</b>
<b>Parking Stress</b>				<b>28%</b>	<b>28%</b>	<b>26%</b>	<b>22%</b>



**Parking Locations in the Survey Area**







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# Agenda Item 8

## Planning and Rights of Way Panel 23<sup>rd</sup> April 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

<b>Application address:</b> 129 Ludlow Road			
<b>Proposed development:</b> Change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4)			
<b>Application number:</b>	19/00122/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Laura Treagus	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	30.04.2019	<b>Ward:</b>	Peartree
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Thomas Bell Cllr Alex Houghton Cllr Eamonn Keogh
<b>Applicant:</b> Mrs Elizabeth Pritchard		<b>Agent:</b> None	

<b>Recommendation Summary</b>	Conditionally approve
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<b>Community Infrastructure Levy Liable</b>	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 (2018). Policies –CS13, CS16, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, H4, and H7 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the HMO SPD (2016), Parking Standards SPD (2011) and Residential Design Guide SPD (2006).

<b>Appendix attached</b>			
1	Development Plan Policies	2	HMO 40m radius survey

### Recommendation in Full

Conditionally approve

## **1. The site and its context**

- 1.1 The application site lies on the western side of Ludlow Road within the Peartree ward. The site lies within a medium accessibility zone and walking distance to Woolston District Centre (approx. 16 min walk).
- 1.2 The site comprises a two-storey mid-terraced dwellinghouse, characterised by a bay-window feature at the front of the property. The front building line is set back from the highway by a front lawn. The property has an elongate garden at the rear, which contains three outbuildings.
- 1.3 The surrounding area is mainly suburban housing with a mixed style of dwellings.

## **2. Proposal**

- 2.1 The application proposes change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4)
- 2.2 The proposal provides three good-sized bedrooms that receive sufficient outlook and light. There is a large communal lounge/dining area and a separate kitchen. One shared bathroom is situated at the rear of the ground floor.
- 2.3 While no cycle or bin storage has been specifically identified in the plans, there are three existing outbuildings that would provide sufficient storage at the western end of the rear garden. Refuse collection would remain at the rear of the 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 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.
- 3.3 Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a mixed and balanced community, whilst the policies requires HMO proposals to be assessed against maintaining the character and amenity of the local area. A 10% threshold test (carried out over a 40m radius) is set out in the HMO SPD to avoid over-concentrations of HMOs leading to an imbalance of mix of households within a community.
- 3.4 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide

SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

#### **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 No relevant planning history.

#### **5. Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice on 15.02.2019. At the time of writing the report 12 representations (5 in support, 7 objections) have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 **Ludlow Road is a desirable area for families with predominantly family households. The introduction of the HMO is out of character with the make-up of households as family homes.**

##### **Response**

The introduction of a single HMO within the 40m radius is not considered to significantly change the character of the area. HMOs can exist within areas of family housing as part of mixed and balanced community and there is a need for all types of housing across the City.

5.1.2 **Allowing this HMO will set a precedent and would further affect the character of the area in a negative way.**

##### **Response**

The Houses in Multiple Occupation Supplementary Planning Document (SPD HMO) indicates a threshold percentage of HMO properties as 10% of HMOs in the housing stock. Applications will not be granted for new HMOs where the proportion of HMOs within a 40m radius was above 10% (unless exceptional circumstances apply). The introduction of a single HMO within the 40m radius would result in a HMO percentage of 2.5% of the housing stock

5.1.3 **The additional demand on parking will lead to further competition for street parking with local residents and cause congestion and potential highways safety problems.**

##### **Response**

The property will have a maximum occupancy of 3 persons. The Council has maximum parking standards, so providing less spaces is policy compliant. The demand for parking spaces in a three-bedroom HMO is not considered to be more harmful than the existing C3 dwelling

##### **Consultation Responses**

5.2 **Ward Councillor Eamonn Keogh:** Objection. Referral to PROW panel. Parking in Ludlow road is at a premium and this will only add unnecessary pressure to what is already a very difficult local issue. Loss of a three-bedroom family dwelling. Negative impact on character of the area. Poor amenity for occupiers. Application would encourage future applications.

5.2.1 **SCC Environmental Health:** Environmental Health have no objections to the proposed development in terms of planning regulations.

NB: The applicant will have to comply with HMO licensing requirements

## **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;
- Effect on character;
- Residential amenity;
- Parking highways and transport

### 6.2 Principle of Development

6.2.1 Policy H4 acknowledges there is a need to maintain the supply of housing whilst balance this against maintaining a sustainable mix of households within the community. The threshold test set out in section 1.1 of the Council's HMO SPD indicates that the maximum concentration of HMOs should not exceed 10% of the surrounding residential properties within a 40m radius. The proposal would not be contrary to policy CS16 given that the property can be readily converted back into use as a family dwelling with minimal changes.

6.2.2 As such, the principle of development to convert the property into a C4 HMO can be supported subject to an assessment of the planning merits in relation to the relevant policies and guidance.

### 6.3 Effect on character

6.3.1 The HMO concentration as a result of this application would only be 2.5% (1 HMO out of 40 residential properties), which is significantly under the 10% threshold for the 40m radius survey area (see results of the 40m radius survey in Appendix 2).

6.3.2 By virtue of the low concentration of HMO properties within the 40M radius, it is not considered that the character of the area will be materially changed, given that the mix and balance of the area will still predominantly consist of family households. The comings and goings associated with a three-bedroom HMO is not considered to be significantly more harmful than the existing use of the property as a three-bedroom C3 family dwelling. The concerns of setting a precedent for creating more HMOs in the area can be adequately controlled by the 10% threshold policy, as this would prevent an overconcentration of HMOs within a 40m radius of the application site.

6.3.3 As such, the proposed change of use to a three-bedroom C4 HMO would respect the character of the area in accordance with the aims of policies H4, SDP7, CS13 and CS16 and other relevant policy guidance

### 6.4 Residential amenity

6.4.1 It is considered that the level of comings and goings and other incidental activities associated with the HMO use would not be significantly more noticeable than the use of the property as a three-bedroom family home (authorised C3 use). As such, the intensification of the use from C3 family dwelling to a C4 HMO (limited occupancy to 3 persons) on this mid-terrace plot would not detrimentally affect the amenity of the neighbouring occupiers. Issues regarding bin storage can be controlled via condition.

### 6.5 Parking highways and transport

6.5.1 We note the concerns raised by local residents in relation to pressure on local street parking. The parking standards set out in the HMO SPD (section 5) expects a 3 bedroom C4 small HMO to provide a maximum of 2 parking spaces,

which is the same as the maximum provision for the existing three-bed C3 family dwelling.

- 6.5.2 The Parking Standards SPD states that the provision of less spaces than the maximum standard is permissible, however, it should be demonstrated that there is sufficient kerbside capacity within the surrounding streets to absorb overspill parking.
- 6.5.3 It is considered that the demand for parking for a three-bedroom HMO would not be significantly greater than that of the current three-bedroom C3 dwelling. While we have requested a parking survey, one has not been submitted for this application. The Highways Officer has not commented on the proposal, however, it is not considered that the additional comings and goings and street parking demand associated with the HMO use would result in an adverse impact to highways safety.
- 6.5.4 Cycle storage facilities would need to be provided for 1 space per HMO bedroom. Although there is an existing shed in the rear garden it is unclear if its dimensions and rack system is suitable. A condition can be used to secure the details of a secure and covered enclosure for cycle storage.

## **7. Summary**

In summary, the proposed change of use from a C3 family dwelling to a C4 small HMO for 3 persons at No.129 is not considered to be significantly harmful to the character and amenity of the area, nor to highway safety. The introduction of an HMO use would not imbalance the mix of the family households in the community, as this would be the first within a 40m radius of the site, and this proposal would positively contribute towards the range of available smaller housing within the City. Furthermore, the comings and goings, including traffic and parking demand, associated with the C4 small HMO use would not be significantly harmful to the amenity of neighbouring residents.

## **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)

**LT for 23/04/2019 PROW Panel**

**Application 19/00122/FUL**

## **PLANNING CONDITIONS**

01. Full Permission Timing Condition (Performance)

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

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

02. Approved Plans

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

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

03. Retention of communal spaces

The rooms labelled Kitchen, Dining Room and Lounge on the plans hereby approved shall be retained at all times for communal use only, to serve the occupiers whilst in HMO use.

REASON: To ensure that a suitable communal facilities are provided for the residents.

04. Occupancy limit

The C4 small HMO use hereby approved shall be occupied by no more than 3 persons.

Reason: In the interests of protecting the character and amenity of the local area and to ensure appropriate shared space is available.

05. Cycle and bin storage

Prior to the first occupation as a C4 HMO, details of the facilities to be provided for cycle and refuse storage shall be agreed and then provided and made available for use in accordance with the approved details. The storage shall thereafter be retained as approved.

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2019)

**HMO Assessment**

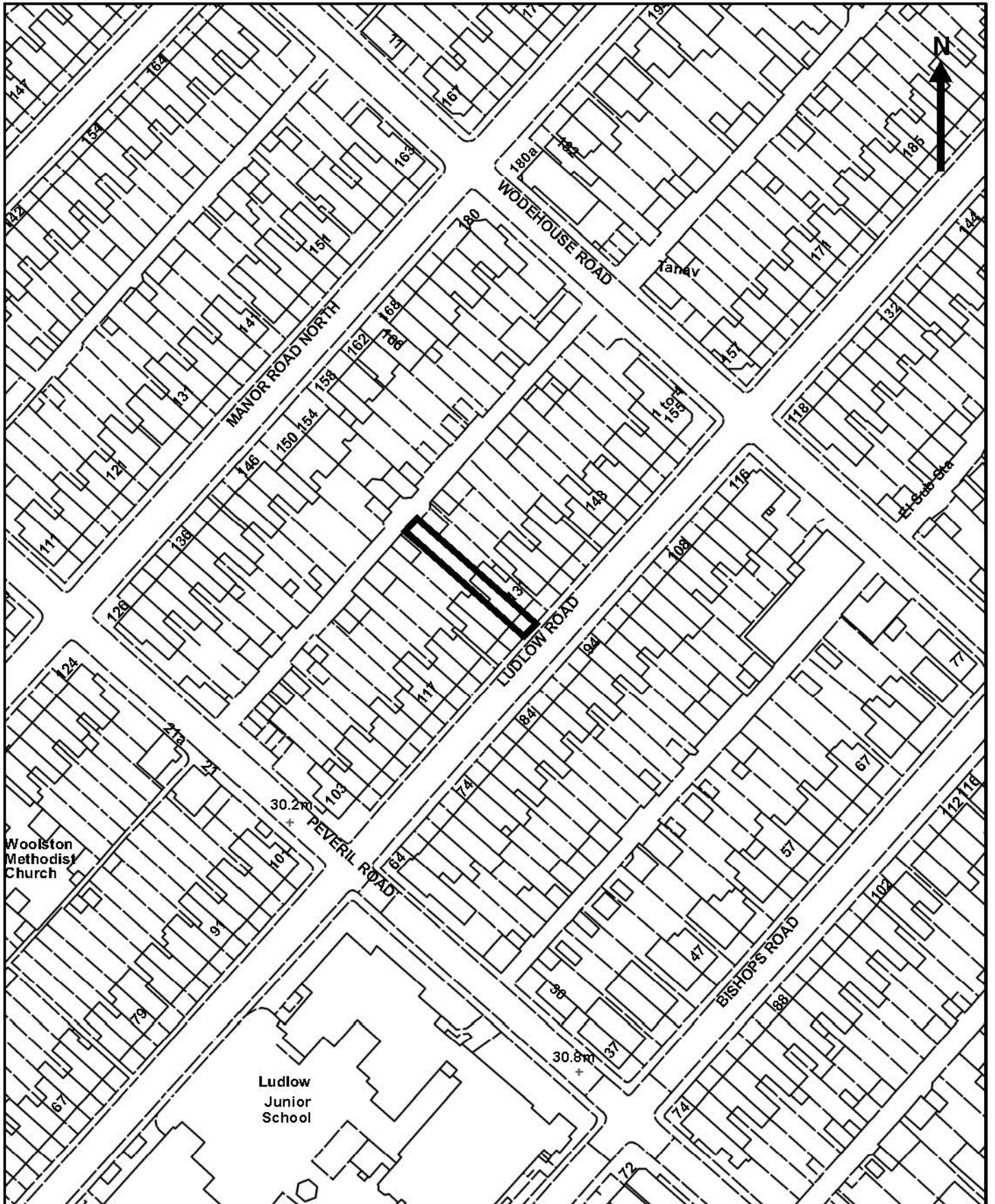


Address	Surnames on Electoral Register (No.)	HMO on SoMap (Y/N)	HMO Council Tax (Y/N)
113 Ludlow Road	n/a	N	N
115 Ludlow Road	1	N	N
117 Ludlow Road	1	N	N
119 Ludlow Road	n/a	N	N
121 Ludlow Road	1	N	N
123 Ludlow Road	2	N	N
125 Ludlow Road	2	N	N
127 Ludlow Road	1	N	N
129 Ludlow Road	n/a	N	N
131 Ludlow Road	2	N	N
133 Ludlow Road	1	N	N
135 Ludlow Road	2	N	N
137 Ludlow Road	2	N	N
139 Ludlow Road	3	N	N
141 Ludlow Road	1	N	N



143 Ludlow Road	1	N	N
145 Ludlow Road	1	N	N
147 Ludlow Road	1	N	N
76 Ludlow Road	1	N	N
78 Ludlow Road	1	N	N
80 Ludlow Road	2	N	N
82 Ludlow Road	1	N	N
84 Ludlow Road	1	N	N
86 Ludlow Road	2	N	N
88 Ludlow Road	1	N	N
90 Ludlow Road	1	N	N
92 Ludlow Road	1	N	N
94 Ludlow Road	2	N	N
96 Ludlow Road	1	N	N
98 Ludlow Road	1	N	N
100 Ludlow Road	1	N	N
102 Ludlow Road	1	N	N
104 Ludlow Road	1	N	N
106 Ludlow Road	n/a	N	N
108 Ludlow Road	1	N	N
156 Manor Road North	n/a	N	N
154 Manor Road North	1	N	N
152 Manor Road North	n/a	N	N
150 Manor Road North	2	N	N
148 Manor Road North	n/a	N	N

Total counted residential properties: 40  
Total existing HMO properties: 0  
Total proposed HMO properties: 1  
**Proposed HMO concentration: 2.5%**



Scale: 1:1,250

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# Agenda Item 9

## Planning and Rights of Way Panel 23<sup>rd</sup> April 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

<b>Application address:</b> Land R/O 53 Thorold Road			
<b>Proposed development:</b> Erection of a two storey detached 4 x bed dwelling with rear terrace and associated car parking, refuse and cycle storage			
<b>Application number:</b>	18/01291/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	John Fanning	<b>Public speaking time:</b>	5
<b>Last date for determination:</b>	25.09.2018	<b>Ward:</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr White Cllr Fuller Cllr Harwood
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A
<b>Applicant:</b> Mr Toby Atkinson		<b>Agent:</b> Paul Airey Planning Associates Ltd	

<b>Recommendation Summary</b>	Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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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, CS6, CS13, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
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 Service Lead – Infrastructure, Planning & 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 or payment to secure:
  - i. 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 Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

### **1. The site and its context**

- 1.1 The application site occupies the rear portion of the plot currently occupied by 53 Thorold Road. The current lawful use of the plot is as residential garden land. The surrounding area is residential in nature with a mix of different dwelling types and designs.
- 1.2 Consent was granted for redevelopment to the west/south-west of the application site under applications 09/00686/FUL and 14/00257/FUL for additional housing in the adjacent culs-de-sac to the west of the site known as Parklands.
- 1.3 The site has substantial site level changes dropping down from the Thorold Road frontage (north) to rearmost part of the site to the south. There is a less substantially change in levels across the site from east to west. There are a number of protected trees on the site which backs onto an area of woodland

### **2. Proposal**

- 2.1 The application proposes the subdivision of the existing plot with separate access from Thorold Road running down the western side of the existing dwelling to lower ground in the rear garden. The proposed house would be set well within the boundaries of the site and is designed to take into account the change in levels with the rearmost section being set down from the front part of the house.
- 2.2 Improvements are proposed to the side access and land level changes will be required to facilitate the access, parking area and dwelling.

### **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 2.
- 3.2 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 There is no relevant planning history for the proposal.

#### **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 (17.08.18). At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the points raised:

##### **5.2 Impact on ecology from loss of garden space**

###### **Response**

The applicant has submitted an ecology statement with their submission. Notwithstanding that the survey did not find evidence of badger activity, the LPA does consider it likely that badgers use the site for foraging identified as a possibility in the report. Notwithstanding the above, the ecology report outlines a scheme of mitigating factors which are considered sufficient address the ecological impacts of the development. These can be imposed as conditions to safeguard protected species during construction.

##### **5.3 Loss of trees/cutting back of trees would be harmful**

###### **Response**

The Councils trees team have considered the submitted arboricultural report and have found the proposed scheme of works to be acceptable. It is noted that while the report has suggested removal of trees in neighbouring garden land the report does identify that these fall outside of the applicants control and are not required to be removed.

##### **5.4 The proposal relies on the existing access for 53 Thorold Road. Historically there has been no vehicular access down the side of the property.**

###### **Response**

Planning permission was not required for the demolition of the previous garage. While substantial site level changes may require permission in their own right, in principle no permission is required to access the rear of the site down the side of the dwelling. The totality of works being proposed to facilitate the new dwelling are considered to require permission however and will be considered in more detail in section 6 below.

##### **5.5 Potential impact on archaeology**

###### **Response**

The Councils Archaeologist has been consulted on the proposal and recommended a condition to secure recording of any archaeology on site. A condition has been recommended to this effect.

##### **5.6 Overlooking of neighbouring properties (with reference to dwelling and changes in site levels)**

###### **Response**

There are substantial level changes across the site which do mean that the relationship with neighbouring properties will be sensitive. Particular care is required when designing the western boundary due to the proximity of windows and rear patios of houses in Parklands to the new access along the western boundary of the site. A boundary screen that retains trees but offers privacy without being overbearing is achievable if costly, but this would be a matter for the applicant. Broadly speaking taking into account the set back of the house to the boundaries and screen proposed along the access it is not considered that this relationship will be harmful.

**5.7 There is a strip of Council land which runs down the side of the site which was retained to prevent additional development**

**Response**

There is a narrow strip of Council owned land which runs down the western edge of the site. This strip contains trees which are to be retained and which offer an element of screening between the proposed house and the existing houses in Parklands. The existence of this strip does not prevent development from taking place in the manner proposed as there is no need to infringe or cross this land. Had access to the site been sought from Parklands this would have potentially been an issue.

**5.8 Unclear what site level changes are proposed as part of development**

**Response**

Amended plans were requested to provide additional clarity on land level changes. Officers are satisfied that the sectional drawing reflect the layout and topography of the site.

**5.9 Changes in land levels has potential to impact on stability of site and cause subsidence of neighbouring properties**

**Response**

The applicant will be required to undertake any construction works in accordance with appropriate Building Regulations. There has been no indication from Building Control that ground conditions would give rise to concerns for subsidence.

**5.10 Impact on neighbouring occupiers from additional noise and activity associated with new dwelling**

**Response**

There will be an increase in intensity of residential use of the site. Reasonable behaviour by people using a residential property or garden would not be out of character or give rise to concerns in what is a residential area. Unreasonable behaviour would be for other agencies to deal with. Generally speaking it is considered that the site would remain in relatively low intensity and the set back from neighbouring properties would mitigate the immediate impact.

**5.11 Overdevelopment of plot/out of character with back land nature of plot**

**Response**

Whilst the property would represent the introduction of significant additional built form into the rear of the plot the proposal does not exhibit any features normally associated with overdevelopment. The footprint of the proposed building within the proposed plot shows a similar plot ratio and site coverage to those in the surrounding area. The backland context of the site is somewhat mitigated by the previous development on Parklands with other built development situated to the rear of the main building line on Thorold Road. Broadly it is considered that the

mixed context offers some opportunity for infill development and this is part of the character rather than being out of character with the immediate area.

5.12 **Run off/drainage issues associated with changes in site levels and additional hard surfacing**

**Response**

A condition has been sought to secure details of a sustainable drainage solution on the site.

5.13 **Applicant has previously left rubbish on plot**

**Response**

The planning department does have limited powers to control poor maintenance of a site. Other departments such as Environmental Health do also have powers if a site represents a wider health concern. On the most recent site visit the site had been cleared of debris.

**Consultation Responses**

5.14 **Ecology**

5.14.1 The garden area provides a range of habitats that are of value to local wildlife. The ecology report makes a number of recommendations for mitigation measures but no further information has been provided regarding how these measures have been incorporated into the development.

5.14.2 I am surprised that the ecology report did not find any evidence of badger activity as there was a high level of badger foraging occurring when the adjacent site, 49 Thorold Road, was developed. In addition, a badger sett is believed to be present in the local area. I would like further work undertaken to investigate badger activity.

5.15 **Archaeology**

5.15.1 The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 16 (The Rest of Southampton). Prehistoric flint finds (Mesolithic through to Iron Age) have been found at 39 Thorold Road. Although this is some 100m to the west of the application site, it is within the same natural valley. The finds suggests prehistoric activity in the area, although the focus of this activity is currently unknown. Such remains, if present on the site, would be undesignated heritage assets under the National Planning Policy Framework.

5.15.2 The proposed development involves the erection of a detached dwelling with rear terrace and associated parking, etc following demolition of an existing garage. (A drawing shows terracing into the slope for the parking area). Development here threatens to damage potential archaeological deposits, and an archaeological investigation in the form of a watching brief on all groundworks will be needed to mitigate this.

5.16 **Environmental Health** – No objection subject to suitable conditions to minimise impacts of construction works.

5.17 **CIL** – The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the new development.

5.18 **Highways**

5.18.1 The application in principle is fine. The only concerns would be the level difference and whether this is suitable for residents to carry their bins up and down and also whether it is suitable for wheelchair users.

5.18.2 The other comment to make is that the vehicular access and driveway should be 4.5m wide at the initial point (adjoining the highway) and should be this width for a minimum of 6m into the site before it can be reduced back down

5.18.3 The parking area is fine but the hard standing furthest south is assumed to be a turning head which will need to be conditioned so that it is to be kept clear at all times.

5.19 **Sustainability** – If the case officer is minded to approve the application, suitable conditions are recommended in order to ensure compliance with core strategy policy CS20 as updated by government guidance.

## 5.20 **Trees**

5.20.1 Details of trees, on and off site and those being retained and removed have been provided via a tree survey and measures to protect the trees during the construction via An Arboricultural Impact Assessment (AIA) Ref:D1811AIA. Details laid out in in this document are considered to be satisfactory for this proposal.

5.20.1 I would like to request a performance condition would be applied to ensure the recommendations within the AIA were followed throughout the development. As well as no storage under the trees canopies.

5.21 **Southern Water** – In order to protect drainage apparatus, Southern Water requests that if consent is granted a condition is attached to secure details of how works will be undertaken to ensure existing sewers are protected during construction.

## 6.0 **Planning Consideration Key Issues**

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

- Principle of Development
- Character
- Residential amenity
- Highways
- Facilities
- Trees and ecology
- SDMP

### 6.2 **Principle of Development**

6.2.1 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. The site is not allocated for a specific use within the Local Plan, however the city does have a defined housing need and broadly speaking taking into account the residential nature of the surrounding area it is considered that the site is potentially acceptable for residential use.

6.2.2 Policy CS16 of the Core Strategy supports the provision of family homes within new developments. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates a



family unit with acceptable private garden space and, as such, accords with this policy.

6.2.3 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in low accessibility locations such as this, density levels should generally accord with the range of 35-50 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 15 d.p.h when considering just the new site and 19 d.p.h when considering the full original plot of 53 Thorold Road. While this accords with the range set out above, this needs to be tested in terms of the merits of the scheme as a whole.

### 6.3 Design and effect on character

6.3.1 The application proposes a two storey dwelling, stepping down to the rear of the site as the site levels drop. There's a mix of different dwelling types and designs in the surrounding area and it is broadly considered that the proposed dwelling is relatively typical of the scale and appearance of dwellings in the surrounding area.

6.3.2 The main impact of the development in terms of character is considered to be the introduction of a new dwelling into the previous garden of the property at 53. The site is considered in the context of the neighbouring development at Parklands. The development would be well screened from the main Thorold Road street scene but would be visible from the rear of nearby properties and from Parklands.

6.3.3 Overall it is considered that the development would introduce substantial new built form into the rear of the plot but, in the context of the neighbouring development at Parklands it is not considered that this would, in itself, represent such substantial harm as to justify refusing the application solely on these grounds. As such the key consideration becomes the specific impacts of the development and if it can provide a good quality living environment for the proposed occupiers.

### 6.4 Residential amenity

6.4.1 There are a number of key issues to consider in terms of the impacts of the development with reference to the amenity of existing and proposed occupiers. In terms of the occupiers of the proposed dwelling, it is considered that the layout provides a reasonable quality living environment for the proposed occupiers. There is some concern that the ground floor room identified as 'study' would have to rely on a side facing window with relatively poor outlook. Notwithstanding this it is considered that there are other habitable rooms available to the occupants and the use of this room would fall within the control of the occupants to manage so it is not considered that this relationship would be so harmful as to justify a reason for refusal. The site retains ample amenity space to meet the requirements outlined in the Council's RDG.

6.4.2 One of the major constraints of the site is the significant change in land levels, which potentially present an issue for inter-looking and overlooking of neighbouring properties. While the Council does not have any defined front to back window distances, section 2.2.4 of the Council's RDG outlines suitable back to back distances as being 21m (increasing by 2m for every 1m change in site levels). There is a 19.5m set back from the original dwelling at 53, a 21m set back from the neighbouring property at 51 and a 23m set back to 7 Parklands.

- 6.4.3 Taking into account the orientation of the properties at 51 and Parklands and relationship between the dwellings it is considered that while there will be change in the circumstances compared to the existing garden, it is not considered that the potential for overlooking would be so substantial. The immediate impact between existing house at 53 and the new site in its rear garden is considered the most problematic. The key issue would be the inter-looking and overlooking to the front of the dwelling. The back to back distances are design to protect perception of privacy in more private rear garden spaces so it is considered that a reduction could be acceptable in the context of the less private frontage to the development (utilised for parking). Taking into account the site levels dropping to the rear meaning that the impact on the property at 53 will be comparatively lessened while the impact is reduced on the new dwelling due to the layout of the frontage it is not considered that this relationship would be substantially harmful.
- 6.4.4 There are some other issues associated with the general increase in intensification of use of the site (and alterations to land levels required to secure the access). The increase in land levels and intensity of use of the side access will have a potential impact on the amenities of the immediately adjoining occupiers to the west. The applicant has proposed a fence along this boundary to provide screening. Taking into account the set back and existing changes in land levels it is not considered that the introduction of this fence would be significantly harmful to the occupiers of the neighbouring premises in terms of the creation of an overbearing form of development and would provide screening sufficient to mitigate the impacts of the additional comings and goings on neighbouring properties.
- 6.5 Highways
- 6.5.1 The Councils Highways team have identified that they are broadly happy with the proposed changes to the site in terms of the side access and parking arrangement subject to a number of conditions to secure appropriate turning and passing points.
- 6.6 Facilities
- 6.6.1 The site has ample space to secure appropriate cycle and refuse storage. Conditions are recommended to secure suitable details to secure these matters.
- 6.7 Trees and Ecology
- 6.7.1 There are a number of protected trees on site. The applicant has submitted an arboricultural report with the proposal which outlines a scheme of works. The Councils trees team have identified that they are happy that the proposals are reasonable in the context of the trees on the site and recommended a number of conditions to secure the works being undertaken in accordance with these details.
- 6.7.2 An ecological statement has been submitted with the application which outlines a number of recommendations to mitigate the potential ecological impacts associated with the development. The Councils Ecologist has advised she believes it is likely that badgers do make use of the site. A condition has been recommended to secure the recommendations outlined in the ecologists report.
- 6.7 Likely effect on designated habitats
- 6.7.1 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.

## **7. Summary**

7.1 There are a number of constraints on the development of the site, with particular reference to the presence of protected trees and the changes in site levels. Furthermore the site previously formed part of the garden of another dwelling. However, part of the character of this section of Thorold Road is development in depth beyond the houses fronting Thorold Road.

7.2 Therefore, notwithstanding the above, it is considered that the proposal, as amended, will have an acceptable impact on the wider character and appearance of the plot within the surrounding area and the other impacts of the development could be mitigated through the use of conditions.

## **8. Conclusion**

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)(f), 4(f)(g)(vv), 6(a), 7(a)(c)(e)**

**Case Officer Initials for 23/04/19 PROW Panel**

## **PLANNING CONDITIONS**

### 01. Full Permission Timing Condition (Performance)

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

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

### 02. 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. Energy & Water (Pre-Commencement)

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

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

### 04. Energy & Water (performance condition)

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

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

#### 05. Sustainable Drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

#### 06. Arboricultural Method Statement (Performance)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement including the tree protection measures throughout the duration of the demolition and development works on site.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

#### 07. No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site

within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

#### 08. Archaeological evaluation/watching brief investigation (Pre-Commencement)

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

#### 09. Archaeological evaluation/watching brief work programme (Performance)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed

#### 10. 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.

#### 11. 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.

#### 12. 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 development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties given the changes in land levels and the potential for overlooking of neighbouring properties.

#### 13. Ecology (Performance)

The development shall be implemented in accordance with the recommendations outlined in the submitted ecological statement and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

#### 14. Refuse & Recycling (Pre-Occupation)

Prior to the occupation of development, details of storage for refuse and recycling, together with the access to it and including a collection point within 10m of the highway, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at [Waste.management@southampton.gov.uk](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.

#### 15. Cycle storage facilities (Pre-Occupation Condition)

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

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

## 16. 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. The turning area shall be kept clear for the use of vehicular manoeuvres unless otherwise agreed in writing with the Local Planning Authority.

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

## 17. 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.

## 18. Drains (Pre-Commencement Condition)

Prior to the commencement of development details will be submitted of measures to protect the public sewers during construction and implementation of the development. The development will therefore be implemented in accordance with the agreed details.

Reason: At the request of Southern Water taking into account the engineering works proposed by the development.

## 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.



## 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 (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) 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	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

Therefore, in order to deliver the an 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 5% 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 5% 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 2012.

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.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
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
SDP23	Land stability
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

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





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**Planning and Rights of Way Panel 23<sup>rd</sup> April 2019**  
**Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

<b>Application address:</b> 77 Ticonderoga Gardens, Southampton, SO19 9HD			
<b>Proposed development:</b> Erection of a two-storey two bedroom end of terrace dwelling.			
<b>Application number:</b>	19/00181/FUL	<b>Application type:</b>	Full Application
<b>Case officer:</b>	Mark Taylor	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	4 <sup>th</sup> April 2019	<b>Ward:</b>	Woolston
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors:</b>	Councillor Hammond Councillor Payne Councillor Blatchford
<b>Referred to Panel by:</b>	Councillor Payne	<b>Reason:</b>	Overdevelopment Potential subsidence Proximity to boundary Difficulty of works vehicles accessing the site
<b>Applicant:</b> Farminer, Whitlock and Jones		<b>Agent:</b> CARO land & Planning Limited	

<b>Recommendation Summary</b>	Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	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) of the of

the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Policies – SDP1 (Quality of Development), SDP4 Development Access, • SDP5 Parking, SDP6 (Urban Design Principles), SDP7 (Context) - outside city centre, SDP9 (Scale, Massing and Appearance) - outside city centre, H1 (Housing Supply), H7 (The Residential Environment) of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
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 Service Lead – Infrastructure, Planning & 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:
  - i. 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.

### **1. The site and its context**

- 1.1 Ticonderoga Gardens is a 1970's housing estate comprising a central spine road accessed off Archery Road. The spine road runs roughly west to east with a number of short culs-de-sac leading off to the north and south. The site is located towards eastern side of Ticonderoga Gardens. Number 77 Ticonderoga Gardens is located at the end of a terrace of 5 identical properties forming one of the culs-de-sac on the southern side of the spine road.
- 1.2 The properties are pale buff brick built, with brown tile hanging on the upper floor of the front and rear elevations. The properties have shallow pitched concrete roof tiles and the fenestration is predominately white UPVC windows and doors.
- 1.3 To the rear of the site are rows of single storey, flat roofed concrete garages and a parking area. The surfacing of this area is unmade. There is only pedestrian access to the front of application site with concrete bollards preventing vehicle access to what is an open, hard surfaced courtyard in front of the end terrace of houses.
- 1.4 There are no significant level changes across the application site and to the north, east and west. However, ground levels drop substantially from the southern (side) boundary of the application site to the bungalows of Weston Lane to the south.
- 1.5 As the application site forms part of a residential housing estate the dwellings of Ticonderoga Gardens are of a similar age, design, scale, and palette of materials creating a strong sense of character.
- 1.6 The application site does not contain protected trees. However, the wider site does contain a number of ornamental trees. The area of 77 Ticonderoga Gardens to be developed is a triangular shaped plot immediately to the south of the existing terrace and is already completely laid to hardstanding

## **2. Proposal**

- 2.1 The application seeks to sub-divide the existing plot that forms 77 Ticonderoga gardens and extend the existing terrace with a semi-detached two storey, two bedroom dwelling.
- 2.2 The proposed dwelling will continue the lines of the existing terrace. The front and rear elevations will extend no further forwards or backward than the existing terrace.
- 2.3 The roof ridge height and pitch will also continue that of the existing terrace. The proposed materials are to be facing brick, hanging tiles to the upper floor and a tiled roof. All materials are advised as matching those used on the existing terrace.
- 2.4 To the south of the proposed dwelling are areas dedicated to bin and cycle storage. The rearmost part of the site is to provide a dedicated parking space for the host dwelling.

## **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 February 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 There isn't any planning history associated with the application site itself.
- 4.2 However, there is a relatively new property opposite (to the rear of the application site) at what is now known as 96a Ticonderoga Gardens which received planning consent in 2006 under planning application 05/01235/FUL. That application, which extended that terrace of houses in a very similar way to that now being proposed was approved under officers delegated powers.

## **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 19 February 2019. At the time of writing the report 9 representations have been received from surrounding residents. The following is a summary of the points raised:

### **5.2 Lack of access for building work**

**Noise and disturbance during construction**

**Will hours of work be restricted?**

**Limited area for the storage and delivery of plant and materials**

**The garages at the rear of the property should not be blocked**

**Response**

Access to the site to enable construction is limited, but this would be a logistical matter for the applicant to resolve. 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. A further condition can be imposed restricting the hours of work

**5.3 The proposal could result in subsidence**

**Response**

Issues with regard to subsidence have been raised with the Council's Building Control department. No concerns with regard to subsidence have been raised.

**5.4 Potential damage to sewage/drainage system**

**Response**

A formal application for connection to the public sewerage system is required in order to service this development. That said any damage to any third party property is a civil matter outside of the materials considerations of this application

**5.5 Loss of trees**

**Response**

None of the trees on site benefit from any formal protection and can be removed at any time. However, in order to protect any habitats on site a condition can be imposed requiring an ecological survey or restricting the commencement of work outside of the nesting season

**5.6 The proposed parking is insufficient in size and quantity**

**Response**

The application does not reduce the parking available for the host property. A single vehicle parking space is proposed at the rear of the proposed dwelling. Measuring 4.8m x 2.4m it meets the national dimension requirements for an off road parking space. However, there is also room around this space in order to facilitate a wider and longer area for the parking of a vehicle. It is acknowledge that permission from a third party may be required to use this access. However, such covenants fall outside of the material planning considerations for the application.

**5.7 Who is responsible for repairing damage to the gravel car park at the rear of the site.**

**Parking at the rear is only for current residents and is designated within the property deeds.**

**The occupants of the new property will have no right of access over the private land to the rear of the site**

**Response**

Planning permission does not convey the right for the development to encroach over, under or on land which is not within the applicant's ownership, without the consent of the landowner. Covenants and any legal agreements outside of the planning process do not form materials considerations for the application.

**Consultation Responses**

**5.8 SCC Highways – No comments received**

5.9 **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.

5.10 **SCC Ecology** – No objection subject to conditions

## **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 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing.

### 6.3 Design and effect on character

6.3.1 The application site forms part of residential housing estate. The similarity between dwellings creates a strong sense of character due to the shared design and materials.

6.3.2 The proposal will reflect the design of the existing terrace both in design and scale. The proposed external facing materials will match those used in the host property. Such materials can be secured by condition.

6.3.3 The proposal will result in the development of one of Ticonderoga Gardens more spacious plots and other opportunities to develop in this area are extremely limited. The location of the site at the very southern end of the cul-de-sac means that it would not be particularly visible from Ticonderoga Gardens beyond immediate neighbours. In fact it will be more visible above the rear of the bungalows in Archery Road than from the public realm in Ticonderoga Gardens.

6.3.4 Whilst the proposed dwelling will be visible from the public realm of Weston Lane to the south, given the level of separation, the proposal would not be significantly more prominent than the existing end of terrace properties that are visible above the properties of Weston Lane.

6.3.5 The proposal is a continuation of an existing terrace, of proportion and design and materials that match the existing properties minimising its overall impact on the wider street scene.

### 6.4 Residential amenity

6.4.1 Given the orientation of the property and its separation from the neighbouring dwelling to the south, east and west the proposed dwelling would result in any significant additional shadowing.

6.4.2 The windows on the front elevation would look out onto areas already open to public view and could be considered to increase the surveillance of the public realm.

6.4.3 Due to the terraced nature of the properties there is already a character of reciprocal overlooking towards the neighbouring properties. The proposal will maintain this character with the host dwelling No.77

6.4.4 The proposal does contain windows on the southern elevation. These windows will face towards the rear of the bungalows of Weston Lane. However, both of these

windows will serve rooms where the occupant would wish to secure their privacy. As such it would not be unreasonable to impose a condition that required these windows to be obscure glazed with limited opening. A further condition could be imposed preventing further windows being inserted into the side elevation at a later date.

- 6.4.5 The proposal will be located on ground significantly higher than that of those of Weston Lane. Paragraph 2.2.7 of the residential design guide relates to the recommended separation distances from a window on a 2 storey house to a side wall of a 2 storey building. It advises that the minimum permitted distance should be 12.5 metres. Paragraph 2.2.9 goes on to add that this distance should be increased by 1m for every 1m rise in ground level.
- 6.4.6 The properties of Weston Lane are separate from the shared boundary of application site by a distance in excess of 20 metres. As such the proposal complies with the residential design guidance and whilst it will be visible from neighbouring dwellings it will not result in a level of overbearing that would be materially harmful to the occupiers of the neighbouring dwellings.

## 6.5 Occupier Amenity

- 6.5.1 All habitable rooms in the property, with the exception of the bathrooms, are served by appropriately sized windows with a relatively open outlook
- 6.5.2 The rear amenity areas for both the application property and the host dwelling will remain larger than those of many of the other properties within the terrace. The living areas within the dwelling will also be similar to the existing properties.

## 6.6 Parking highways and transport

- 6.6.1 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.
- 6.6.2 The proposal does not result in the loss of a designated parking areas for the host property. The application property will be served by a single parking space to the rear of the site
- 6.6.3 It is noted that in order to access the parking at the rear the applicant may have to obtain permission from third parties. However any covenants do not form part of the consideration of the application below
- 6.6.4 In accordance with the Council's requirements for development to encourage more sustainable forms of transport other than the motorcar, an area to the side of the property has been designated for cycle storage. Specific details of this secure storage can be secured by condition to ensure that is appropriate.
- 6.6.5 A further condition can be imposed requiring the proposed parking to be implemented and retained for such purposes.

## 6.7 Ecology

- 6.7.1 Concern has been raised that the proposal would be to the detriment to a number of natural habitats.
- 6.7.2 The site has limited ecology value although it is noted that the front of the site contains a number of trees and shrubs. The removal of these trees and shrubs could have a detrimental impact on nesting birds.
- 6.7.3 Nesting birds, their nests, eggs and any dependant young receive protection under the Wildlife and Countryside Act 1981(as amended). As such a condition can be imposed that requires the works to take place outside of the nesting season (March to August) or after the site has been checked by a suitably qualified ecologist

6.7.4 The Council's ecologist has advised that that the host property is in good condition and there is a negligible risk of bat roosts

6.8 Likely effect on designated habitats

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.

7. Summary

7.1 The proposed two storey dwelling would be flush with the existing front and rear building lines of the host dwelling. It would add up to 4 metres to the width of the terrace and the existing simple pitch roof would be elongated. Given the terraced context within the vicinity it would not appear overly dominant or cause an imbalance respecting the existing linear layout of buildings as well as the scale density and proportion of building in the locality.

7.2 Subject to condition the proposal will not be to the detriment to the amenities of the neighbouring properties, ecology or highway safety. The scheme is compliant with the relevant policies and delivers an additional dwelling

8. Conclusion

It is recommended that planning permission be granted subject to Habitats Mitigation Contribution Agreement and 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 23/04/19 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**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour and texture those used on the adjoining buildings.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

**4. Cycle storage facilities**

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

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

**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. 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 windows on the southern (side) elevation shall be obscure glazed to Pilkingtons level 3 or equivalent. The windows shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening.



Once installed the windows shall be permanently maintained in that condition.  
Reason: To protect the amenity and privacy of the adjoining residential properties

### **7. No Further Windows**

No additional or altered windows shall be constructed in the side elevation of the development hereby approved.

Reason: To protect the amenity and privacy of the adjoining residential properties.

### **8. Construction Environment Management Plan**

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.

### **9. 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

### **10. Ecological Mitigation Statement**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

### **11. Protection of nesting birds**

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

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

### **12. Amenity Space Access**

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use 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: To ensure the provision of adequate amenity space in association with the approved dwellings.

### **13. Parking**

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.

### **14. 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.

### **15. 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).

### **16. 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).

## 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 (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) 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	£337.00
2 Bedroom	£487.00
3 Bedroom	£637.00
4 Bedroom	£749.00
5 Bedroom	£880.00

Therefore, in order to deliver the an 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 5% 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 5% 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 2012.

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.



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H7	The Residential Environment

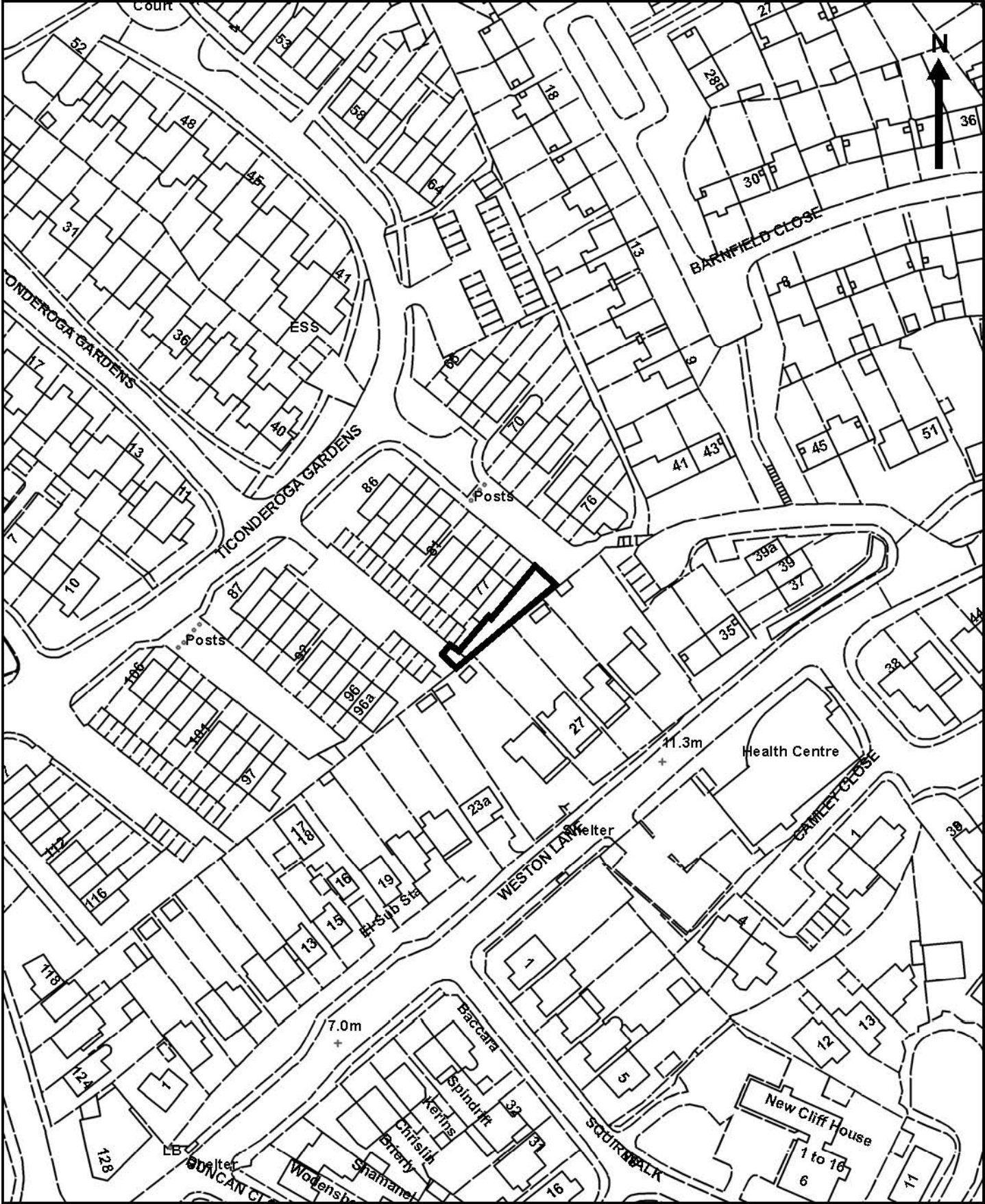
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

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





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**Planning and Rights of Way Panel 23<sup>rd</sup> April 2019**  
**Planning Application Report of the Service Lead - Infrastructure, Planning & Development**

<b>Application address:</b> 38 Copperfield Road, Southampton, SO16 3NX			
<b>Proposed development:</b> Erection of a part single storey, part first floor rear extension to facilitate conversion of existing house into 1x 3-bed and 1x 2-bed flats with new external staircase and associated parking and refuse storage			
<b>Application number:</b>	18/02060/FUL	<b>Application type:</b>	Full Application
<b>Case officer:</b>	Mark Taylor	<b>Public speaking time:</b>	5 Minutes
<b>Last date for determination:</b>	25 January 2019	<b>Ward:</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Members  Furthermore Five or more letters of objection have been received contrary to the recommendation to grant permission	<b>Ward Councillors:</b>	Councillor L Harris Councillor B Harris Councillor Hannides
<b>Referred to Panel by:</b>	Cllr B Harris	<b>Reason:</b>	Over development Over Intensification Out of character with existing family homes Loss of family dwelling Impact on existing residents amenities
<b>Applicant:</b> Mr Dukes		<b>Agent:</b> Marcus James Architecture	
<b>Recommendation Summary</b>		Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report	
<b>Community Infrastructure Levy Liable</b>		<b>Yes</b>	

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive

manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2019).

Policies – 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) of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Policies – SDP1 (Quality of Development), SDP4 Development Access, • SDP5 Parking, SDP6 (Urban Design Principles), SDP7 (Context) - outside city centre, SDP9 (Scale, Massing and Appearance) - outside city centre, H1 (Housing Supply), H7 (The Residential Environment) of the City of Southampton Local Plan Review (Amended 2015).

Polices BAS1 – New development, BAS4 – Character and design, BAS5 - Housing Density, BAS7 – Highways and Traffic, BAS9 – Trees of the Bassett Neighbourhood Plan (2016)

<b>Appendix attached</b>			
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 Service Lead – Infrastructure, Planning & 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:

- i. 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.

### 1. The site and its context

1.1 The properties on the southern side of Copperfield Road are built into a bank which backs onto Cantell School. The ground levels rise significantly from road level and continue to rise at the front of the site to the rear and therefore the dwellings have the appearance of a bungalow when viewed from the rear. From the front however the properties appear as two storey, pitched roof, family dwelling houses.

1.2 The properties in this part of Copperfield Road are semi-detached and many of the rear gardens have been terraced in order to enable them to form more suitable amenity areas. The properties are brick build with facing brick elevations and white UPVC fenestration.

### 2. Proposal

2.1 The application seeks to extend the existing property and covert it from a single dwelling into two separate flats . The proposed flats comprise a 1 x3 bedroom family dwelling at ground floor level a 2 x bedroom flat on the upper floor accessed from an enclosed staircase on the east elevation. The staircase contains an upper floor window on the east elevation.

- 2.2 Additional floor space is to be created through extensions to the roof space of the property and also a single storey rear extension. The extension to the roof space is in the form of a large, flat roof, dormer window. The dormer will meet but be no higher than the height of the existing roof ridge and extend to almost level with the outer wall with the existing rear elevation. The rear dormer will contain two windows on the rear elevation serving the habitable room that forms the open plan kitchen, lounge and dining area.
- 2.3 At ground floor a single storey extension will extend approximately 4 metres from the rear elevation and will extension the full width of the rear elevation. The extension has a flat roof containing one roof light. The extension will contain one window and french doors on its rear elevation, both serving habitable rooms.
- 2.4 At the front of the site it is proposed to demolish the existing flat roof garage that forms one half of a pair symmetrical garages. Adjacent to the west of this garage the banked front garden has been excavated to provide additional parking. The area that formed the garage and the excavated frontage will provide two off road parking spaces to serve the properties. It is proposed that this area will be landscaped to soften the impact of the retaining wall. To the west of the proposed parking bays it is proposed to provide a bin storage area inside the front boundary of the property.
- 2.5 At the rear of the property it is proposed to subdivide the rear garden into two. The subdivision will replicate the existing proportions of the two terraces at the rear of the property. These areas will also contain two cycle stores.

### **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 February 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 The relevant planning history for the site is set out in the table below.

<b>Case Ref:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
18/01176/FUL	Erection of a single storey rear extension and first floor rear extension to facilitate conversion of existing house into 1x 3-bed and 1x 2-bed flats with new external staircase and associated parking and cycle/refuse storage.	Withdrawn	October 2018



## **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 11 December 2019. At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

### **5.2 The proposal results in the loss of a family home**

#### **Officer Response**

A family home is defined as a property that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. As such in policy terms the proposal retains a family unit.

### **5.3 The proposal is of a poor design that is detrimental to and not in keeping with the character of the area**

#### **Officer Response**

The impact of the proposal on the character and appearance of the area forms part of the material considerations for the application below

### **5.4 Insufficient Parking**

#### **Officer Response**

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

### **5.5 The present sewer is overloaded**

#### **Officer Response**

Southern water have raised no objection to the proposal but have stated that a formal application must be submitted to Southern water in order to connect to the foul drainage system.

### **5.6 *The proposed cycle storage is inappropriately located at the rear of the garden***

#### **Officer Response**

The Highways Development Management Team have reviewed the cycle parking provision noting the distance of the storage from the front of the property. The change in levels is also noted stating that carrying of bicycles up to this level would be difficult. A ramp/gully to the side of the steps is a solution recommended by the Officer. The application now incorporates such a gully on the amended site plan.

### **5.7 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.

**5.8 Overdevelopment of the Site**

**Officer Response**

The site is considered to be sufficient in size to accommodate the proposed increase in footprint of the dwelling and still provide associated amenity space, refuse and cycle storage to the required standards without being harmful to neighbouring amenity

**5.9 Loss of privacy**

**Officer Response**

The proposed upper floor window serving the stair case can obscure glazed on the east elevation preventing any overlooking. Obscure glazing can be secured by condition. The upper floor windows on the rear elevation (east) will provide views toward the rear boundary of the site and neighbouring dwellings. Such a level of overlooking is not considered to be materially harmful to the amenities of the neighbouring dwellings particularly in light in the views available from the terraced rear amenity areas.

**5.10 Loss of Light**

**Officer Response**

Due to the orientation of the properties and the distance from the neighbouring dwelling to the east, there is sufficient mitigation to prevent any material harm to the light currently enjoyed by the occupiers of the neighbouring dwellings

**5.11 Impact to trees**

**Officer Response**

The proposed works to the dwelling would not be expected to be in direct conflict with the trees to the rear of the site. To ensure that the trees were not damaged during construction works the site plan has been amended to show a tree protection zone during construction.

**5.12 The site is inappropriate for a HMO and the detrimental effect associated with them.**

**Officer Response**

The application does not seek permission for an HMO. To convert the properties into a HMO in the future would require express planning consent.

**5.13 Refuse inappropriately sited**

**Officer Response**

The siting of the proposed refuse adjacent to the highway is in accordance with the policy guidance. It is similar in location to other bin siting in the area. Details of a contained area for bin storage can be secured by condition

**5.14 The demolition of the garage serving No.39 will affect the garage at No.40**

**Officer Response**

This does not form part of the material considerations for the application and is a civil matter subject to party wall legislation.

**5.15 The proposal will result in subsidence**

**Officer Response**

Issues with regard to subsidence have been raised with the Councils Building Control department. No concerns with regard to subsidence have been raised

5.16 **Limited detail is provided with regard to the external facing materials**

**Officer Response**

Details of external facing materials can be secured by condition

5.17 **The proposal is contrary to covenant on the property.**

**Officer Response**

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

**Consultation Responses**

5.18 **SCC Highways** – No Objection subject to the imposition of conditions relating to cycle storage and bin collection/storage

5.19 **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.

5.20 **SCC Sustainability Team** – In the case of this proposal each of the proposed dwellings will make either a total or substantial use of the existing building. Therefore, no sustainability conditions are requested.

5.21 **SCC Environmental Health (Pollution & Safety)** - no objection subject to conditions regarding working hours and bonfires

5.22 **Southern Water** – A formal application for connection to the public sewerage system is required in order to service this development.

**6.0 Planning Consideration Key Issues**

6.1 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 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing.

6.2.2 Policy CS16 of the Core Strategy defines a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 1 family units with acceptable private garden space and, as such, accords with this policy.

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 on the southern side of Copperfield Road are predominantly two storeys in height and constructed using a range of materials including brick, render, concrete roof tiles and UPVC windows. Pairs of flat roof garages are a key feature of this development and tend to be located at front of the properties. However this character changes further east where steep driveways have been incorporated on the site frontages.



- 6.3.2 This proposal would convert the existing two storey dwelling into a larger building containing two flats.
- 6.3.3 POLICY BAS 1 of the Bassett Neighbourhood Plan (2016) advises that development proposals should be in keeping with the scale, massing and height of neighbouring buildings and with the density and landscape features of the surrounding area.
- 6.3.4 POLICY BAS 4 of the Bassett Neighbourhood Plan (2016) requires new development must to take account of existing character of the surrounding area. The design of new buildings should complement the street scene, with particular reference to the scale, spacing, massing, materials and height of neighbouring properties.
- 6.3.5 The semi-detached houses of Copperfield Road are designed as a matching pairs. To preserve the balance of the buildings, the Residential Design Guide recommends that extensions to semi-detached dwelling should be subservient to the host property.
- 6.3.6 The majority of the proposed works to the building will be located at the rear of the dwelling. Single storey flat roof extensions are very much part of the character of the area. The application property is currently one of the exceptions in not already having such an extension.
- 6.3.7 Glimpses of the eastern cheek of the dormer windows will be available from the public realm. The proposed external staircase will also be visible in the street scene when approaching from the east. That said the proposed dormer window is comparable in scale and design to that on the neighbouring property No.36. Furthermore the proposals are set well back from the public realm reducing their prominence in the street scene.
- 6.3.8 With regard to the proposed roof alterations the Residential Design Guide (2006) provides advises in paragraphs 2.5.2 to 2.5.4 how alterations to a properties roof form should be undertaken. The guidance advises on the importance of maintaining the properties roof ridge in order to preserve the character of the area. It also advises that dormers should not fundamentally change the overall shape of the roof. The proposed dormer will be set in from the roof ridge. It will also be set in from both the front and rear roof slopes and the eaves of the dwelling.
- 6.3.9 However, any fall back position is a material consideration in the decision making process, of which the rights given by General Permitted Development Order should be taken into consideration.
- 6.3.10 It is sometimes argued that a proposed extension should be approved because a similar, often more harmful, addition could be built as permitted development. But in order for this argument to succeed it has to be shown that there is a reasonable likelihood of the fall back development being built if permission is denied
- 6.3.11 In this instance as the proposed dormer window will be no higher than the existing roof ridge, it will be located on the rear elevation, it does not contain any upper floor side windows, the volume of the proposed dormer window will be less than 50 cubic metres. As such it may be considered to be permitted development if it was added to the existing single dwelling house and the dormer was set 20cm from the outer most edge of the roof eaves
- 6.3.12 Furthermore a single storey rear extension could be constructed up to 3 meters in length from the existing rear elevation of up to 4 meters in height.

- 6.3.13 The current proposal is 4 meters in length but under the permitted height. As such if the depth of the extension was reduced to 3m the works may be considered to be permitted development.
- 6.3.14 Given that such addition would achieve a significant amount of the floor space the current proposal seeks to secure, with limited alteration to the existing design. This fallback position should be awarded significant weight.
- 6.3.15 Concern has been raised that not all of the proposed facing materials are declared as part of the application. However, a condition can be imposed that requires the external materials to be submitted and approved by the Local Planning Authority
- 6.3.16 Paragraph 2.4.4 of the residential design guide advises that 'the replacement of traditional front gardens with open hard standing areas for parking often results in a poor visual appearance and in some cases localized flooding and will therefore be resisted.
- 6.3.17 At present engineering works have been undertaken to excavate a substantial area of the properties frontage. It is currently an unfinished unattractive addition to the street scene. It has been advised by the agent that the west elevation of the garage to be retained is 'to be finished with brick veneer to match existing'. The agent also advises that the retaining wall is to be finished with timber sleepers and a raised flower bed. In order to ensure these features are satisfactory a condition can be imposed requiring full landscaping details.
- 6.3.18 It is noted that the parking area to the front of the property is partially created. The National Planning Policy Framework says 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). Furthermore, 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.

#### 6.4 Residential amenity

- 6.4.1 Whilst the proposal will be visible from neighbouring dwellings it is important to note that the views from a dwelling are not a material consideration.
- 6.4.2 Due to the orientation, proximity and relationship of the application property to its neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties in terms of loss of privacy, light or outlook.
- 6.4.3 It is acknowledged that the dormer window will be located adjacent to a window on the eastern side of the dormer window of the neighbouring dwelling No36. At ground floor the single storey extension will be located in front of the eastern side elevation of the single storey extension of No.36 that contains glass bricks. However as mentioned above works can be readily undertaken using the properties permitted development rights that would have a similar effect.
- 6.4.4 Concern has been raised that the upper floor window serving the enclosed staircase would overlook the neighbouring properties to the east. A condition can be imposed that requires this window to be obscure glazed and hung in such a way so as not to mitigate the effect of that obscure glazing.

## 6.5 Occupier Amenity

- 6.5.1 All habitable rooms in the property, with the exception of the bathrooms, are served by appropriately sized windows with a relatively open outlook
- 6.5.2 Paragraph 2.3.14 of the residential design guide advises that the minimum garden size for a detached dwelling is 20 square metres per flat with a communal area. The proposed dwellings will be served by individual garden areas in excess of 65sqm. This would be a figure in line with a terraced/semi-detached dwelling.
- 6.5.3 Not details of means of enclosure have been provided in support of the proposal. Due to the raised ground levels at the rear of the site, a high boundary treatment sub-dividing the garden would be considered to have a far greater detrimental impact to the character of the area than some low level planting. As such details of the means of enclosure for these rear amenity areas shall be secured by condition.

## 6.6 Parking highways and transport

The highways engineer has advised that the development is acceptable in principle.

- 6.6.1 The site is situated within a residents parking zone and therefore the on-street parking are restricted to permit holders. The new dwelling by default would not be eligible for parking permits, however, there could be a scenario whereby the new parking spaces could be allocated to the new dwelling and the existing dwelling could then park on the permit bays. Therefore it could be argued that there could potentially be 2 vehicles over spilling onto the local roads.
- 6.6.2 POLICY BAS 7 of the Bassett Neighbourhood Plan (2016) seeks to mitigate the impact of traffic within residential areas and advises that the 2011 Parking Standards SPD will be relevant for all new development proposals in respect of meeting the maximum parking standards.
- 6.6.3 A parking survey has been conducted which shows there to be capacity of around 11 spaces. This suggests that the 2 spaces can be accommodated within the surveyed area (125m length of parking bays).

## 6.7 Housing Density

- 6.7.1 Appeal APP/D1780/A/11/2157899 (Appeal decision 27 May 2014, 7 Greenbank Crescent, Southampton SO16 7FR) demonstrates that an independent Inspector has highlighted the existing density of the area to be more important to the character of the area than an increase in housing numbers
- 6.7.2 POLICY BAS 1 and BAS 4 of the Bassett Neighbourhood Plan (2016) requires new development to take account of the character of the areas housing density
- 6.7.3 POLICY BAS 5 advises that proposals for new residential development must show that they have had regard to the densities for new Residential Development as outlined in the Bassett Neighbourhood Plan (2016). Proposals which depart from these densities will only be permitted where it can be shown that there is good reason to make an exception and that the character will not be adversely affected.
- 6.7.4 The Bassett Neighbourhood Plan (2016) shows that the recommend housing density for the are the site will be located in as being between 35 -50 dwellings per hectare.
- 6.7.5 The proposal results in 49.5 dwellings per hectare. As such, although close to the maximum permitted the proposal complies with the requirements of the neighbourhood plan.

## 6.8 Likely effect on designated habitats

6.8.1 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.

## 7. Summary

The proposed alterations to the dwelling will be predominately located to the rear of the property and will not be a prominent feature in the street scene for the reasons provided above. Similar works could be undertaken to the rear of the property without the need for express planning consent. The conversion of the existing dwelling into 2 flats retains a family dwelling and is shown to be able to be undertaken whilst providing all the necessary facilities needed to serve the two flats in accordance with the Councils adopted standards. The amenities of the neighbouring properties can be protected via planning condition and the increased in activity associated with two flats rather than a single dwelling is not considered to be likely to generate a significantly greater level of activity or disturbance. The increase in residential density still fall below the maximum identified for this area. A parking survey has been provided and Highways officers have raised no objection to the proposal. The scheme is compliant with the relevant policies and delivers an additional dwelling.

## 8. Conclusion

It is recommended that planning permission be granted subject to Habitats Mitigation Contribution Agreement and 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) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

**MT for 23/04/19 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**

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.

**4. Cycle storage facilities**

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

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

**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. 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 upper floor window serving the stairs well within the east 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.

## **7. Construction Environment Management Plan**

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.

## **8. 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.

## **9. Boundary Treatment**

Before occupation of the development hereby approved, details boundary treatment of the rear amenity areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected before the development is first occupied and shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

## **10. Landscaping**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment, including retaining walls and;
- iv. a landscape management scheme.

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

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

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

## **11. Protective Fencing**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

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

## **12. Amenity Space Access**

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use 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: To ensure the provision of adequate amenity space in association with the approved dwellings.

### **13. Parking**

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.



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 (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) 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.

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£337.00
2 Bedroom	£487.00
3 Bedroom	£637.00
4 Bedroom	£749.00
5 Bedroom	£880.00

endorsed by Natural England.

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

Therefore, in order to deliver the an 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 5% 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 5% 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 2012.

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.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H7	The Residential Environment

Bassett Neighbourhood Plan (July 2016)

BAS1	New development,
BAS4	Character and design,
BAS5	Housing Density,
BAS7	Highways and Traffic,
BAS9	Trees

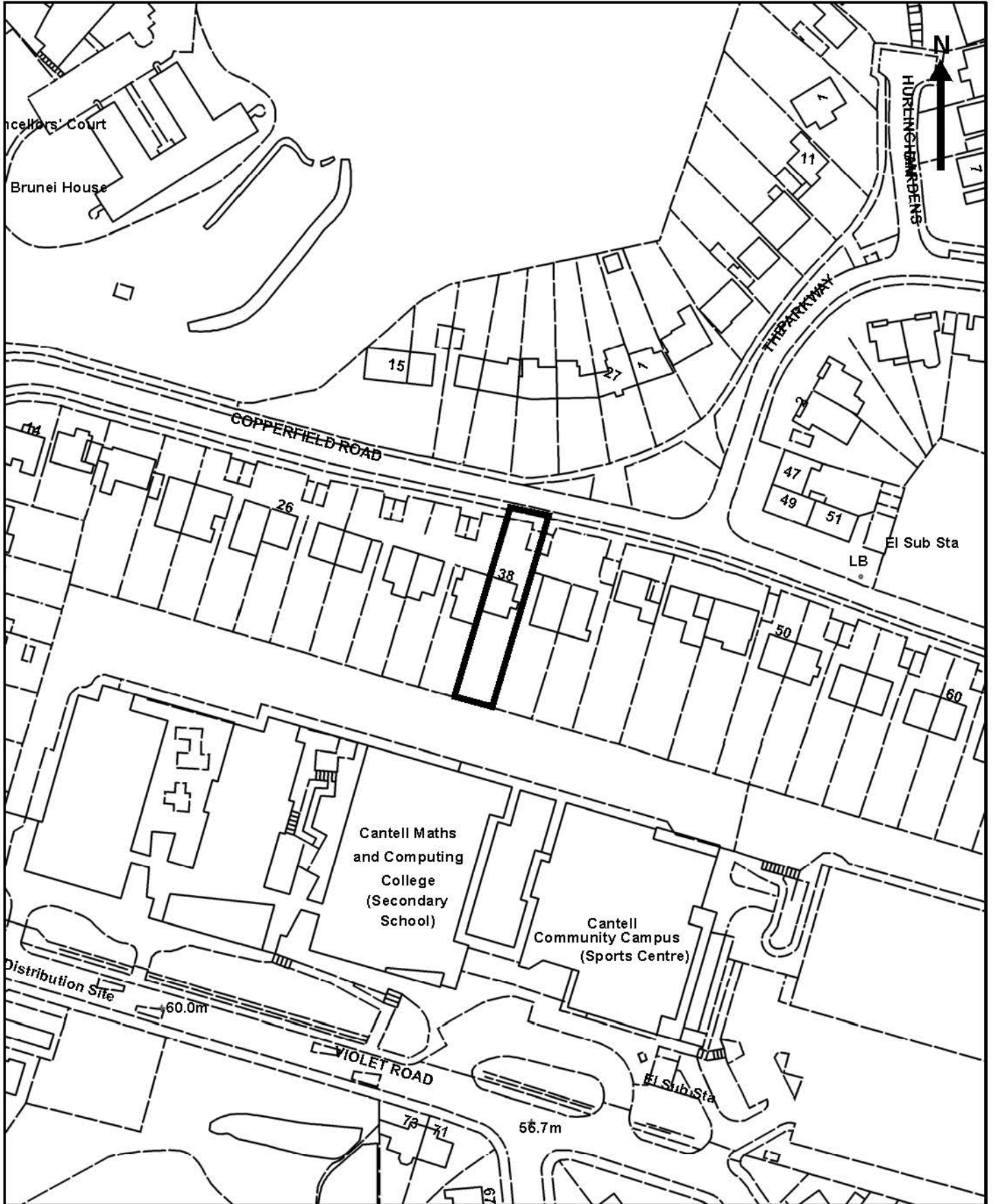
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

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





Scale: 1:1,250

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# Agenda Item 12

## Planning and Rights of Way Panel 23<sup>rd</sup> April 2019 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

<b>Application address:</b> 14 Holly Hill			
<b>Proposed development:</b> Erection of a detached outbuilding (retrospective)			
<b>Application number:</b>	19/00166/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Laura Treagus	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	30.04.2019	<b>Ward:</b>	Bassett
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Les Harris Cllr Beryl Harris Cllr John Hannides
<b>Applicant:</b> Mr Roger Di'Giorgio		<b>Agent:</b> None	

<b>Recommendation Summary</b>	Conditionally approve
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<b>Community Infrastructure Levy Liable</b>	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 186-187 of the National Planning Policy Framework (2018). 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) and the Bassett Neighbourhood Plan (2016).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

### Recommendation in Full

**Conditionally approve**

## **1. The site and its context**

- 1.1 The application site lies on the southern side of Holly Hill and contains a two-storey detached dwellinghouse within a large, triangular plot. It contains a large side and rear garden with an area of hardstanding at the front of the property for off-road parking.
- 1.2 The site is located on the side of a hill, as part of the site is excavated for the present dwelling resulting in neighbouring properties to the south and east sited at a higher level than the application site. There is a protected tree at the very front of the site under TPO T2-038. The site is also located within the Bassett Neighbourhood Area.
- 1.3 The surrounding area is mainly suburban housing with a mixed style of dwellings.

## **2. Proposal**

- 2.1 The retrospective application relates to an outbuilding at the western side of the dwellinghouse with a height of 2.75m, a length of 6.3m and a width of 3.3m. The building contains one room and receives outlook and light from the rear and eastern side.
- 2.2 One window is located on the rear elevation and glazed-doors are situated on eastern elevation to allow access and outlook into the rear garden.

## **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 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.
- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council’s vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

#### **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.

18/01147/DIS - Application for approval of details reserved by condition 4 (Tree Retention and Safeguarding) of planning permission ref:

18/00640/FUL for an extension and pitched roof to garage. - No Objection (NOBJ) - 16.08.2018

18/00640/FUL - Erection of a 2-storey side extension and new pitched roof to existing garage. – Conditionally Approved (CAP) - 06.06.2018

#### **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 5 representations (5 objections) have been received from surrounding residents. The following is a summary of the points raised:

- 5.1.1 **The construction of the building is not in keeping with the existing dwelling or the surrounding area. It is not sympathetic to the local streetscene.**

##### **Response**

While the facing materials do not match the existing house, this is a functional, utilitarian outbuilding of a type which is often constructed using facing materials of timber or cladding. Given the relatively small scale of the development and the fact that outbuilding's such as garages and sheds are part of the character of the wider area, it is not felt they will be harmful to the broader character of the area. The dark grey finish is intended reduce the buildings impact.

- 5.1.2 **The building will be used as for business purposes in the future.**

##### **Response**

Given the building is located within a residential plot the use of the outbuilding is restricted to being either ancillary to, or incidental to the dwellinghouse. Whilst there is scope within the definition of 'incidental' uses for any homeowner to 'work from home' the scale of any home business without needing further planning permission is limited to that which doesn't have any additional impact or activity than the normal day to day activities associated with living at the property. In this instance, a planning condition is suggested requiring that the outbuilding should not be used for business purposes or as a separate dwelling unit or fitted out so that it could be used as such.

- 5.1.3 **It will result in an increase in traffic**

##### **Response**

The proposed use of the outbuilding is not considered to result in an increase of traffic. Any use of the outbuilding outside of a use incidental or ancillary to the function of the main dwelling would require planning permission in its own right.

- 5.1.4 **Overlooking from neighbouring properties**

##### **Response**

The topography of the area inevitably means that people do overlook parts of adjoining gardens from their own properties. While the rear windows within the outbuilding will be visible from neighbouring properties, by virtue of the lack of boundary treatment at the rear of the property and the changes in land levels, this

is not considered to result in any additional impact upon neighbouring residential amenity.

#### 5.1.5 **Too near/affecting boundary with 16 Holly Hill**

##### **Response**

The minimum distance from the outbuilding to the boundary with the neighbouring property is 1.9m. This set-back from the boundary is considered to be acceptable, and the outbuilding is not considered to result in an overbearing or overshadowing form of development.

#### 5.1.6 **Inappropriate siting and scale**

##### **Response**

The outbuilding is located to the side of the existing dwelling, which is typical of the positioning of garages/outbuildings serving houses in Holly Hill. Whilst the structure is visible in the street scene, the size of the application site and the scale of the outbuilding is not considered to have a harmful impact on the host dwelling or the neighbouring properties

##### **Consultation Responses**

5.2 No consultation responses received.

#### **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;
- Effect on character;
- Residential amenity;
- Protected trees;

#### 6.2 Principle of Development

6.2.1 The National Planning Policy Framework says 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). Furthermore, 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.

6.2.2 The outbuilding is situated in the rear/side garden of the property. Following the erection of the structure, the property still benefits from a significant amount of amenity space to the side and rear of the site. The outbuilding, which is single storey measuring 6.3m in length with a height of 2.75m (taken from the maximum height of the land adjacent to the dwelling), is subordinate to the original dwelling

6.2.3 The proposed use as a summer house is incidental to the main dwelling, the use of which will be restricted via condition. It is noted that any use of the outbuilding outside of a use incidental or ancillary to the function of the main dwelling would require planning permission in its own right.

6.2.4 The outbuilding is located north of an area of protected trees (T2-038) and the plot also contains some smaller, ornamental trees on the rear/side boundaries. The development is sufficiently distanced from the protected trees to constitute no harmful impact.

6.2.5 As such, the principle of development is considered to be in accordance with SDP1, SDP7 and SDP9 of the Local Plan Review, which is supported by the Residential Design Guide (2006), CS13 of the Core Strategy, and Policy BAS 4 of the Bassett Neighbourhood Plan – Character and Design, which requires development to be sympathetic to the character of the streetscene regarding scale, massing and height of the neighbouring properties

### 6.3 Effect on character

6.3.1 While the outbuilding is visible from neighbouring properties and the adjacent highway, the structure is single-storey and sufficiently distanced from the boundary to mitigate any significant harm on the character of the surrounding area

6.3.2 The outbuilding is constructed with a dark-grey, wood-texture finish (main dwelling is built in red brick). While the facing materials do not match the house a contrast between the main house and its ancillary outbuildings is not untypical. Given the minimal scale of development it is not felt they will be harmful to the broader character of the area.

### 6.4 Residential amenity

6.4.1 By virtue of the land-level changes and orientation of properties in the immediate area the structure is visible from neighbouring properties. However, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties in terms of loss of daylight or a loss of privacy.

6.4.2 The outbuilding is considered to be sufficiently distanced from the neighbouring property at No. 16 Holly Hill. While it will be visible from a habitable room, the window that overlooks the application site is a secondary window and the room does not rely on this window for light and outlook. By virtue of the modest scale of the development, the outbuilding is not considered to result in an overbearing or overshadowing form of development. Furthermore, the habitable room is served by a main window on the rear elevation that would still provide a clear, unobstructed outlook over their garden.

6.4.3 The outbuilding is single storey, and the glazed window and doors on the rear and eastern elevation would only allow views directly into the rear garden. The boundaries comprising a mix of hedgerow and fencing are considered to give an adequate screen so as to safeguard the private amenities of neighbouring occupiers.

### 6.5 Protected trees

6.5.1 The outbuilding is located north of an area of protected trees (T2-038) and the plot also contains some smaller, ornamental trees on the rear/side boundaries. The development is sufficiently distanced from the protected trees to constitute no harmful impact.

## 7. Summary

7.1 In summary, the retrospective erection of a detached outbuilding is not considered to be harmful to the character and amenity of the area, nor to nearby protected trees, in accordance with BAS 4 of the Bassett Neighbourhood Plan (2016), CS13 of the Core Strategy, and SDP1, SDP7 and SDP9 of the Local Plan Review (amended 2015).

7.2 While the outbuilding is visible from the neighbouring properties, it is not considered to constitute significant harm to residential amenity in terms of outlook, the level of sunlight that is currently received, or the level of privacy that is currently enjoyed by the neighbouring properties.

7.3 The development is modest in scale, in accordance with SPD9 of the Local Plan Review (2015), and appears subordinate to the original dwelling house. Furthermore, the outbuilding does not constitute harm on nearby protected trees. For these reasons this scheme is supported and recommended for approval.

## **8. Conclusion**

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)

**LT for 23/04/2019 PROW Panel**

### **PLANNING CONDITIONS**

#### **Limitation of use of converted garage as separate accommodation (Performance)**

The extension to the existing garage building hereby approved shall only be used for purposes which are ancillary to, or incidental to the main dwelling, and shall not be subdivided, sold, leased, separated, altered or fitted out in any way so as to create, or be capable of creating a separate unit of residential accommodation without the grant of further specific permission from the Local Planning Authority.

Reason: To avoid any unacceptable sub-division of the plot which would be unlikely to satisfy either adopted or emerging Council planning policies with regards to new self-contained residential accommodation.

**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)

Bassett Neighbourhood Plan (July 2016)

Other Relevant Guidance

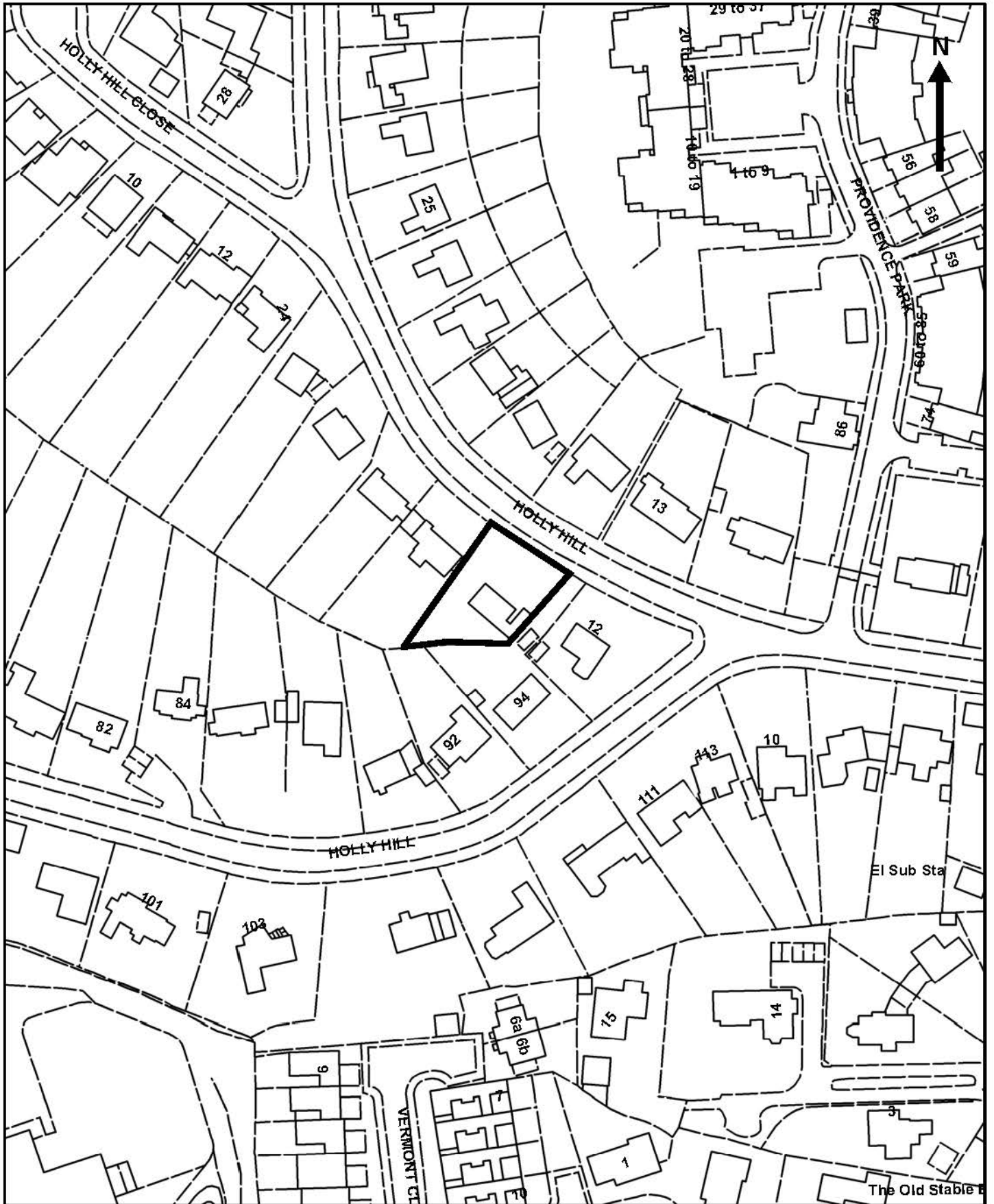
The National Planning Policy Framework (2019)

**Relevant Planning History**

18/01147/DIS - Application for approval of details reserved by condition 4 (Tree Retention and Safeguarding) of planning permission ref: 18/00640/FUL for an extension and pitched roof to garage. - No Objection (NOBJ) - 16.08.2018

18/00640/FUL - Erection of a 2-storey side extension and new pitched roof to existing garage. – Conditionally Approved (CAP) - 06.06.2018





Scale: 1:1,250

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