

Planning and Rights of Way Panel

Tuesday, 12th January,
2021

at 5.30 pm

PLEASE NOTE TIME OF MEETING

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

Virtual Meeting

This meeting is open to the public

Members

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

Contacts

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Interim Head of Planning and Economic
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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

PUBLIC REPRESENTATIONS

Procedure / Public Representations

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

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

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

Dates of Meetings: Municipal Year 2020/2021

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

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

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

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

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

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

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

FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

2021	
12 January	23 February
26 January (Provisonal)	16 March
2 February	20 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 - 10)

To approve and sign as a correct record the Minutes of the meetings held on the 24th November and 1st December 2020 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 20/01415/FUL - 27 BRONTE WAY (Pages 15 - 34)

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

6 PLANNING APPLICATION - 20/01205/FUL - 65 ATHELSTAN ROAD (Pages 35 - 44)

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

Monday, 4 January 2021

Service Director – Legal and Business Operations

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 24 NOVEMBER 2020

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

Apologies: Councillors Vaughan

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

It was noted that following receipt of the temporary resignation of Councillor Vaughan from the Panel, the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillor Bell to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 3rd November 2020 be approved and signed as a correct record.

34. **OBJECTION TO THE SOUTHAMPTON (32 HOLLY HILL) TREE PRESERVATION ORDER 2020**

The Panel considered the report of the Executive Director of Place Communities regarding an objection to the Southampton (32 Holly Hill) Tree Preservation Order 2020.

Nazira Ahmed (objector) was present and with the consent of the Chair, addressed the meeting.

The Panel considered the report of the officer along with the statement of the objector and understood that the intention was to only make safe the tree as required without a bureaucratic process. Having considered the report together with the testimony of the objector the Panel voted to support the officer's recommendation unanimously.

RESOLVED that the Panel confirmed the Southampton (32 Holly Hill) Tree Preservation Order 2020.

35. **PLANNING APPLICATION - 20/00741/FUL - REAR OF SOUTHERN HOUSE AND 4-6 SIR GEORGES ROAD**

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

Redevelopment of land following demolition of existing building to erect a terraced block of 3 x 3-bed houses and 3 storey block containing 11 flats (7 x 2-bed, 3 x 1-bed and 1 x studio) with associated parking and cycle/refuse storage.

Simon Letts and Colin Macqueen (local residents objecting), David Jobbins (agent), Rob King (applicant), and Councillor Shields (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported to the Panel that:

- Hedgehogs were protected under schedule 6 of the Wildlife and Countryside Act 1981 so no requirement for mitigation on impact to habitat or need to survey on site.
- The Applicant had confirmed Southern Water were unable to confirm whether the sewer is present on site. It was explained that this was not a significant constraint to development coming forward to Panel and could be resolved with the addition of a planning condition, as set out below.
- That the Section 106 would require amendment following the Applicants commitment to reappraise the affordable housing contribution viability at the sales completion stage and once the actual costs and values of site were known. This was in addition to the standard affordable housing S106 clause, as set out below, to reappraise viability if the build programme deadline is not met.

Following questioning by the Panel Officers agreed to amend conditions relating to landscaping, cycle facilities and bin storage 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 Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission.

FOR: Councillors Mitchell, Coombs Bell, Prior and Windle

AGAINST: Councillors L Harris and Savage

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to Head of Planning and Economic Development 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 or s.278 agreements including any associated Traffic Regulation Orders 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. In addition to the Council's standard viability clauses where a fresh assessment is undertaken if they exceed their build programme, a completion viability will be undertaken – if either show a surplus then the Council will require an offsite contribution towards affordable housing under policy CS15 of the Core Strategy;

- c. 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. 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 Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - f. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2017.
 - g. No eligibility for occupiers to obtain parking permits under Residential Parking Scheme.
- (iii) That authority be delegated to the Head of Planning & Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Amended Conditions

07. 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. proposed finished ground levels or contours; means of enclosure; hard surfacing materials; external lighting;
- ii. 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. This shall include native and/or ornamental species of recognised value for wildlife;
- iii. detailed specification of the green roof areas to be provided on the cycle/bin store and first floor terraces biodiverse mix is used, to include wildflowers as well as sedum to provide greater benefits for wildlife
- iv. details of any proposed boundary treatment, including retaining walls and gated car park entrance for block B to include a lock system operated by a coded key pad or alternative communal key system for the benefit of the residents of block A and B to access. No front boundary is to exceed the height of 600mm in order to secure pedestrian and vehicular sightlines;
- v. v. details of secure pedestrian gates at the rear of gardens of block A and;
- vi. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking and means of enclosure and access for residents of block A and B) for the whole site shall be carried out prior to occupation of the dwellings or in relation to the landscaping works 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. The other works approved including the access for residents of block A across the land of block B shall be retained for the duration of the development.

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

REASON: In the interests of highways safety. To enhance the biodiversity of the site and 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. To ensure residents of block A secure and retain access across the land of block B to and from the Shirley Road entrance to allow the terraced dwellings convenient access to store cycles in their gardens to promote sustainable travel.

18. Euro Bin Storage Block B (Pre-Occupation)

Notwithstanding the approved plans submitted, prior to the occupation of block B hereby approved, details of storage for refuse and recycling, together with the access to it and a private collection management plan, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the separation from the cycle store and relocation of a freestanding bin store within the site closer to the courtyard parking area. In particular, the specification of the refuse storage shall include:-

- i. The bin store shall be constructed of masonry under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and install a lock system operated by a coded key pad or alternative communal key system on the refuse store door and any gated car entrance approved under condition 7 for block B for the benefit of the residents of block A and B to access. It must be possible to secure the doors open whilst moving the bins.
- ii. Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor.
- iii. Internal doors/walls/pipework/tap/conduits to be suitably protected to avoid damage cause by bin movements.
- iv. The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m.
- v. The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.

- vi. A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

The storage shall be provided in accordance with the agreed details before block B is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored outside the approved store.

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. To improve access for residents and refuse collection operators and to increase separation from neighbouring residential properties. To ensure residents of block A secure and retain access across the land of block B to and from the Shirley Road entrance to allow the terraced dwellings convenient access to store cycles in their gardens to promote sustainable travel.

21. Cycle storage facilities (Pre-Occupation Condition)

Notwithstanding the approved plans submitted, before the development hereby approved first comes into occupation, secure and covered storage for bicycles for block A and B shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The cycle store for block B shall be freestanding and separate to the refuse store, and a lock system installed to be operated by a coded key pad or alternative communal key system on any gated car park entrance approved under condition 7 for block B for the benefit of the residents of block B and block A to access. The storage shall be thereafter retained as approved.

REASON: To encourage cycling as an alternative form of transport. To ensure residents of block A secure and retain access across the land of block B to and from the Shirley Road entrance to allow the terraced dwellings convenient access to store cycles in their gardens to promote sustainable travel.

36. PLANNING APPLICATION - 20/00708/OUT - LAND BETWEEN EVANS STREET/LIME STREET

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

Erection of a 5-15 storey 268-bed hotel (Use Class C1) with detached two-storey duplex hotel suite and associated car parking (Outline application seeking approval for ACCESS, LAYOUT and SCALE) (amended)

Simon Reynier (City of Southampton Society, Shaun Adams (applicant) and Gareth Hooper (agent) were present and with the consent of the Chair, addressed the meeting. Additionally, the Panel noted the apologies of the Ward Councillors and from the two members of public who had registered but were unable to attend

The presenting officer reported that there was a need to amend the recommendation to confirm the Habitat Regulation Assessment (HRA), The officer explained that the HRA required amendment to remove all reference to New Forest recreation disturbance mitigation and sought approval to delegate approval to the Head of Planning and

Economic Development to confirm the Assessment. The Panel noted that officers wished to add terms to the Section 106 for a Travel Plan, a Construction Traffic Management Plan and Public Art (as set out below)

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

RECORDED VOTE to grant planning permission.

FOR: Councillors Bell, Coombs, L Harris, Prior and Mitchell

AGAINST: Councillors Savage and Windle

RESOLVED that the Panel:

- (i) Delegated authority to the Head of Planning and Economic Development to confirm the Habitats Regulation Assessment set out in Appendix 2 of the report following the removal all reference to New Forest recreation disturbance mitigation.
- (ii) Delegated authority to the Head of Planning and Economic Development to grant planning permission subject to the 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 or provision through a s.278 agreement in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - c. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
 - d. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document- Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - e. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013);
 - f. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners;
 - g. Submission of a scheme of works and management plan for the areas around the site accessible to the public;

- h. Clause to define the apart-hotel rooms with a maximum period of occupancy to ensure the apart-hotel rooms fall within planning use class C1.
 - i. Submission, approval and implementation of a Travel Plan for hotel staff;
 - j. Submission and implementation of a Construction Traffic Management Plan; and
 - k. Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy, and the adopted SPD relating to 'Developer Contributions' (September 2013),
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That the Head of Planning and Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

37. **PLANNING APPLICATION - 20/01160/FUL - COSTCO PETROL STATION, REGENTS PARK ROAD**

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

Implementation of planning permission 17/02525/FUL not in accordance with condition 8 (hours of use). Variation of condition 8 to allow for earlier opening hours for customers Monday-Saturday only (06:00) and to allow unrestricted deliveries every day between 07:00 - 21:00 – description amended following validation.

Danny Simmonds (RPS Planning Consultant) and Clive Bentley (Sharps Redmore Acoustic Consultant) were present and with the consent of the Chair, addressed the meeting. In addition statements from Mr and Mrs Nyman and Councillor S Galton were circulated to the Panel in advance and read at the meeting.

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

RESOLVED that planning permission be approved subject to the conditions set out within the report.

38. **PLANNING APPLICATION - 20/00862/FUL - SHIRLEY JUNIOR SCHOOL - BELLEMOOR ROAD**

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

Erection of play equipment in school playing ground and Installation of 3.7m High Wire Mesh Fence.

The Panel received a statement on behalf of the residents from numbers 1-5 Moorlands Road which was circulated to the Panel and paraphrased at the meeting.

Stefan Bleeck (Governor of Shirley Junior School) was present and with the Consent of the Chair addressed the meeting.

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

RESOLVED that planning permission be approved subject to the conditions set out within the report.

39. **QUARTERLY DEVELOPMENT MANAGEMENT FIGURES**

The Panel considered and noted the report of the Head of Planning of Economic Development detailing the Planning Department's performance against key planning metrics.

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 1 DECEMBER 2020

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

Apologies: Councillors Savage and Windle

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

It was noted that following receipt of the temporary resignation of Councillors Savage and Windle from the Panel, the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillors Fielker and McEwing to replace them for the purposes of this meeting.

41. **PLANNING REPORT FOR THE AIRPORT CONSULTATION**

The Panel considered the report of the Head of Planning and Economic Development detailing considerations for the Panel on the further consultation by Eastleigh Borough Council on amendments to the planning application reference F/19/86707 at Southampton Airport for the following works to facilitate airport expansion.

The application is for the construction of a 164 metre runway extension at the northern end of the existing runway, associated blast screen to the north of the proposed runway extension, removal of existing bund and the reconfiguration and extension of existing long stay car parking to the east and west of Mitchell Way to provide additional long stay spaces.

It was noted that the consultation related to the proposed introduction of noise controls and restriction on the amount of vehicular traffic entering the airport based on a reduced growth forecast capped at 3 million passengers per annum by 2033.

Felix Eigenbrod, Roger Tyers, Angela Cotton and Lyn Brayshaw (local residents/ objecting), Steve Szalay (Operations Director, Southampton Airport), Robin Henderson (Savills Planning), Brian Johnson (Solent LEP), Tim Hancock (Business South), Sandra Clothier (local resident) Stephen Longley (Bitterne Manor Community Association and Airport Staff Member) Councillors Fitzhenry, Fuller and Savage were present and with the consent of the Chair, addressed the meeting.

The Panel considered the details set out in the report and noted the requirement to reach a decision to either maintain the Panel's objection from the meeting on the 28 January 2020 or support the planning application following the amendments as set out in this report. Following comments from the Panel, officers agreed to include additional mitigation measures set out below

Councillor Coombs proposed a motion that was seconded by Councillor McEwing that the Panel should support its previous objection, as set out below. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to maintain the Panel's objection.

FOR: Councillors Mitchell, Coombs, Fielker, Prior, Vaughan
and McEwing

ABSTAIN: Councillor L Harris

RESOLVED

- (i) that the Panel maintained the previous objection raised on 28 January 2020.;
- (ii) that the Panel recommended that Council remains involved and engages with the suggested mitigation controls, listed in the officer's report, and amended as set out below at the meeting, should Eastleigh Borough Council decide to approve the application.

Additional Mitigation measures agreed at the meeting.

- Introduction of Noise-related and NOx emissions-related landing charging scheme to encourage quieter and less polluting planes.
- Sounds insulation grant scheme to include schools within the >60dB contour(s).
- Secure ecological mitigation measures within the ES ecological assessment and mitigation against any increased deposition of nitrogen onto mudflats within the Solent and Southampton Water SPA.
- Operational management plan (or similar) to ensure that airport peak vehicular trips would not coincide with network peak hours.
- Airport Surface Access Strategy (securing on-going review and further measures if or when needed) including a Staff Travel Plan & Passenger Travel Plan.
- Highway Improvements to Wessex Lane/Wide Lane junction and Mansbridge Road roundabout including pedestrian and cycle facilities.

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 12th January 2021 – 5:30pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	RS	CAP	5	20/01415/FUL 27 Bronte Way
6	RS	CAP	5	20/01205/FUL 65 Athelstan Road

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

RS – Rob Sims

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

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

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 3 2011-2031
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

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

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

5. Documents relating to Highways and Traffic

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

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

6. Government Policy Planning Advice

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

7. Other Published Documents

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

**Planning and Rights of Way Panel 12th January 2021
Planning Application Report of the Head of Planning & Economic Development**

Application address: 27 Bronte Way, Southampton			
Proposed development: Conversion of dwelling to four bed assisted living dwelling for young persons (class C2).			
Application number:	20/01415/FUL	Application type:	FUL
Case officer:	Melanie Robertson/ Rob Sims	Public speaking time:	5 minutes
Last date for determination:	15/1/21	Ward:	Peartree
Reason for Panel Referral:	Request by Ward Member & five or more letters of objection have been received	Ward Councillors:	Cllr Thomas Bell Cllr Alex Houghton Cllr Eamonn Keogh
Referred to Panel by:	Cllr Alex Houghton	Reason:	Parking/ character
Applicant: Miss Grace Nkundu		Agent: N/A	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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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 –CS18 and 19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP 1,4,5,10,16 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Appeal Decision 18/02322/FUL		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The site lies on the eastern side of Bronte Way within the ward of Peartree. The surrounding area is mainly characterised as a suburban housing area with short terraces and garage blocks. The site comprises a 2 storey mid-terrace dwelling which is set back from the street by a steeply sloped grassed area with front access via a steep pathway and steps. There is also access to the rear via a footpath from Langbar Close.

2. Proposal

2.1 This application seeks permission for the change of use of 27 Bronte Way from a Class C3 dwelling into a Class C2 assisted dwelling for young persons.

2.2 It has been confirmed by the applicant that a carer will be present on site 24 hours a day, 7 days per week and will be using the downstairs bedroom. The assisted young persons will not be allowed to have their own car on site. Most of the young persons under care will be age 16 to 21 years and are unlikely to have their own vehicle in any event. There are no external changes proposed.

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). 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 Of particular note is the Inspector's appeal comments on the previous application (and appeal) to change the dwelling into a C4 HMO, where the effects on character and amenity of the area were found acceptable, but effects on parking provision were found unacceptable:

(12) Furthermore, I have not been provided with any reason to believe that more frequent comings and goings would necessarily give rise to a level of noise and disturbance which was both noticeable, and materially harmful. The same would be true in relation to noise generated within the dwelling itself, particularly if again considering the example of a household formed by a family with young children, which might itself generate high levels of noise.

(16) The Council has made generalised reference to a number of other issues it associates with HMOs, some of which are again covered in appeal decisions to which my attention has been drawn. These include neglected gardens and lack of maintenance of the housing stock. However, noting that the dwelling in question currently appears to be well-maintained and has a reasonably low maintenance garden, I see no reason to believe these issues would necessarily occur if the use of No 27 changed.

(17) For the reasons outlined above I conclude that whilst the effect of the development on the living conditions of local residents in relation to noise and disturbance, and on the living conditions of both local residents and future occupants of the dwelling in relation to waste management, would be acceptable, the effect on the living conditions of each in relation to the inadequate level of parking provision which would exist, would be unacceptable.

4.3 Whilst these comments relate to an application for an HMO they are relevant in the determination of this revised case given that there are some similarities between the previous C4 and current C2 uses. The full appeal decision is appended at **Appendix 2**.

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 29 adjoining and nearby landowners and erecting a site notice (30.10.20). At the time of writing the report **23 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 - *Late Night Disturbance*
 - *Out of character*

Response

There is much concern from the neighbouring residents of the impact on the character of the area in terms of noise and disturbance from young persons in an assisted living dwelling. This is, to an extent, understandable. The Inspector on the appeal for the previously refused HMO application found that an HMO would not necessarily give rise to a noticeable or harmful level of noise and disturbance nor have a detrimental effect on appearance compared to a family dwelling. The young persons in the current application will have a warden 24/7 and there will be reduced potential for noise and disturbance given the commitment to on-site management. A condition can be imposed to ensure that there is adequate on site management in place to adequately manage the impacts of the care use and the behaviour of the young persons.

- 5.3 - *Impact on Traffic/ Road Safety*
 - *Shortage/loss of Car Parking*

Response

Whilst the Appeal inspector agreed with the report on the previous HMO application that there was potential for an increase in vehicles which would exacerbate the problems with parking and road safety in the area, the assisted young persons will not be allowed to have a car onsite, and are less likely to be in the ownership of a car, therefore it is likely there will be less cars associated with the property outside than if the property was a family dwelling. Conditions are recommended to limit the number of young people to 3 and a maximum 1 carer at one time, with professional visitors limited to working hours.

Consultation Responses

5.4

Consultee	Comments
Cllr Alex Houghton	I would like to object to the conversion of 27 Bronte Way, from a family dwelling, into a four bedroom assisted living property for young people. I believe this to be an unsuitable location for a property of multiple occupants. Bronte Way and Langbar Close are residential roads, in most cases home to families or older people. The area is not particularly well served with amenities to suit young people, living with some independence. Public transport would need to be picked up from Peartree Avenue, or from

	<p>Bitterne Road West, which would require a reasonable walk and the nearest shop is also located some way away. Younger people, generally favour a more central location, such as the city centre, or near shops. This could not be a favourable location for that age group.</p> <p>One of the key concerns, as identified by residents, is the limited availability of on street parking in this area. While some properties have driveways or garages, this falls significantly short of the parking needs on these roads. There is also evidence of these roads being used for over-spill car parking from Chine Avenue and businesses operating there. I cannot see from the application whether any attempt has been made to address the previously unsuitable parking highlighted in the 2019 application. I believe parking remains one of the key challenges for this application and we have no indication from the application forms whether all the occupants are likely to own vehicles. If they did, this would place an unacceptable level of additional on road parking in this area.</p> <p>The previous application for this property was to convert this into an HMO. This change, while a different usage class, would create a precedent for more intense occupation in a residential area. This would be unsuitable in an area that provides vitally needed family homes and a safe community. I would like this application, if the Council are minded to approve, to go before the planning panel</p>
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6.0 **Planning Consideration Key Issues**

- 6.1 The acceptability of the proposal within the local area should be assessed upon the impact on character and amenity, living conditions of the future occupiers, and highway safety in terms of parking and access. The assessment of this application should balance the supply and need for this type of housing against the balance and mix of households within the local community. The key issues for consideration in the determination of this planning application are, therefore:
- The principle of development;
 - Design and effect on character;
 - Residential amenity;
 - Parking highways and transport

Principle of Development

- 6.2 Policy CS16 (Housing Mix) supports the creation of a mixed and balanced community. Policy CS16 states that there should be: No net loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying this loss. However, the policy also states that this does not apply to: specialist housing schemes entirely comprised of accommodation specifically for senior citizens, supported accommodation for people with disabilities and purpose built student accommodation. The applicant has explained within their submission that the property would be occupied by vulnerable young persons as clients from SCC social services who need care and assistance. There is a general need for this type of accommodation within the City and this application would provide this accommodation without being in conflict with Policy CS13 of the Core Strategy. As this relates to a conversion there is no additional impact on the Special Protection Areas of the New Forest or Solent Waters and no mitigation is, therefore, required.
- 6.3 In addition the property can be readily converted back into use as a family dwelling with minimal changes. The proposed change of use is considered acceptable in principle. No external significant alterations / extensions are proposed.
- 6.4 Furthermore, the proposed use would provide housing opportunities for vulnerable young persons to live independently in the community whilst receiving support living outside of a residential institutional setting which promotes a greater diversity of household types as part of the mix and balance of the community. As such, the proposal would be acceptable in principle, however, this benefit should be balanced against the impact to the character and amenity of the local area, in particular with regards to the intensification of use. The relevant impacts of the proposal are further assessed below.

Impact on the character of the area

- 6.5 There are no external alterations proposed to facilitate the conversion with the existing residential layout of the property being reused. In addition the introduction of a small household of this type would not be typically out of character of a community in a suburban residential area.

Residential amenity

- 6.6 There are standards set out in section 2.2 of the Residential Design Guide to protect the living conditions of the future occupiers to safeguard privacy, natural light and outlook in relation to habitable areas. The occupiers would have access to a private amenity space of approximately 70sq.m at the rear of the property, which would exceed the requirements for a terraced dwelling, as set out within Paragraph 2.3.14 of the Residential Design Guide.

- 6.7 In terms of internal living environments, on the ground floor is an office/ bedroom to be allocated to the warden, as well as lounge and kitchen. A shower room is also provided for the warden's accommodation on the ground floor, and at the first floor there are three bedrooms, WC and shower-room. On this basis the property would provide an adequate internal and external living environment for future occupiers.
- 6.8 There would be one live-in staff member and another staff member will attend the site during the day to provide daytime care. The associated shift changes and vehicular movements will not generate an unreasonable level of noise or other nuisance, particularly when compared with the comings and goings associated with a family dwelling. However, a condition that restricts professional visitors (with the exception to a health emergency) to the working day can be imposed.
- 6.9 The nature and scale of the proposed use would not be dissimilar to a family group with older teenagers still living at home. The carer would act as a parent figure or head of the household by supervising and managing the behaviour of the young clients. Although the unrelated occupiers lead independent lifestyles, the nature of the C2 use is distinctly different in this sense to a House in Multiple Occupation (HMO), as there is a responsible adult acting as the head of household, whilst the carer ensures that the client's day to day activities and curfew follows their care plan which depends upon the level and need of care.
- 6.10 The property has 3 bedrooms, albeit with an additional ground floor bedroom/office space, and therefore could be occupied with a household of similar scale with large family e.g. 2 parents and 3 children. The applicant has confirmed that there would be a rota for 1 carer to be present at the property during the day and night time. There will be a further movements to and from the property associated with other visitors related to the client's care plan and family members/friends. The associated comings and goings of the 3 occupants and the morning and evening shift change of the care worker, would not be significantly different when compared to a typical family house in this residential street. In this instance, the level of trips associated with the size of the household of the C2 use is not considered to cause significantly greater disturbance than the current C3 family use and, therefore, would not harm the character of the area or be detrimental to the amenity of local residents or the character of the area.
- 6.11 The management of the noise and behaviour of the occupants would be controlled by the on-site carer, and a condition can be imposed to ensure that there is adequate on site management in place to adequately manage the impacts of the care use and the behaviour of the young persons. The neighbours' concerns about disturbance due to internal noise can be enforced under separate legislation in relation to the control of statutory noise nuisance, but the Panel's decision should be made on the assumption that residents will behave reasonably.

- 6.12 As such, the proposal is judged to have an acceptable impact on the character and amenity of the local area.

Parking highways and transport

- 6.13 One car parking space is provided in the garage block which would be used by the warden. Cycle storage would be provided in the garden and detail of the storage can be provided through a condition. Whilst the Appeal inspector agreed with the original HMO application assessment that there was potential for an increase in vehicles which would exacerbate the problems with parking and road safety in the area, assisted young persons are less likely to be in the ownership of a car, therefore it is likely there will be less cars associated with the property than if the property was a family dwelling. Therefore on balance, taking into account the parking demand from existing family dwelling use, the proposed C2 use would be unlikely to generate significant increase in parking demand and the application is considered to be acceptable in this regard.
- 6.14 Although there are understandably concerns from the local residents that the application is a 'repackaging' of the HMO application, a C2 use is fundamentally different to a C4 use. A C2 use comprises of assisted/care living under a single and managed household. A C4 HMO use comprises of up to 6 different households, which much more intensive day to day living. It is not considered there would be a requirement for additional car parking from the proposed use or any further impact on residential amenity in terms of inappropriate parking behaviour.

7. Summary

The proposed C2 use, providing assisted living accommodation for young persons, would not have an unacceptable impact on the character and appearance of the area and would not result in adverse noise and disturbance to neighbour amenity. Furthermore it is not considered the proposed use would result in adverse parking behaviour.

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)

Case Officer RS for 12/01/2021 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.Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details and not for any other purpose, including any other use within Use Class C2;.

Reason: In the interest of the amenities of neighbouring occupiers and highways safety.

03.Maximum Occupants, Parking and Hours of Visits (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be occupied by a maximum of 3 clients between the agree range of 16 to 21 years old, with one carer residing at the property during each care shift. With the exception of the live in carer and a health emergency, the professional visitors in relation to the care and wellbeing of the residents shall not visit the property outside the hours of 08:00 to 17:00 every day.

The 3 clients shall not have access to a private vehicle whilst living at the property.

Reason: In the interest of the amenities of neighbouring occupiers, the prevention of overspill parking and highways safety.

04.On-site management (Performance)

On-site management shall be available at all times in accordance with the measures set out in applicant's email dated 8th December 2020. This shall include providing the phone and email contact details of all carers operating on site and a company representative in writing to the occupants of the adjoining dwellings prior to the commencement of the use hereby approved and the operator shall, thereafter, keep the contact details up to date.

Reason: In the interests of protecting residential amenity

05.Retention and provision of communal spaces (Performance)

Prior to the first occupation of the C2 use hereby approved, the communal spaces shall be provided for the occupants in accordance with the approved plans. The rooms labelled kitchen and lounge shown on the plans hereby approved shall be retained for use by all of the occupants for communal purposes only to serve the occupiers whilst in C2 use.

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

06.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.

07.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.

Application 20/01415/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
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
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP13	Resource Conservation
SDP16	Noise
H1	Housing Supply

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

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Agenda Item 5

Appendix 2

Application 20/01415/FUL

Relevant Planning History

Case Ref	Proposal	Decision	Date
1292/112R1/(27)-1	ERECTION OF 60 HOUSES AND GARAGES	Conditionally Approved	12.10.1965
18/02322/FUL	Change of use from dwelling house (Class C3) to 4 bed HMO (Class C4).	Application Refused	19.03.2019
19/00081/APFUL	Change of use from dwelling house (Class C3) to 4 bed HMO (Class C4).	Dismissed <i>See attached Decision</i>	03.12.2019

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Appeal Decision

Site visit made on 12 November 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/D1780/W/19/3235663

27 Bronte Way, Southampton, SO19 7JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mwendwa Nkunda against the decision of Southampton City Council.
 - The application Ref 18/02322/FUL, dated 27 December 2018, was refused by notice dated 19 March 2019.
 - The development proposed is change of use from single dwelling (C3) to HMO (C4).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of local residents with regard to parking, noise and disturbance; and the living conditions of both local residents and future occupants of the dwelling, with regard to waste management.

Reasons

3. Policy CS16 of the Southampton City Council Core Strategy 2010 (the CS) supports the provision of a mix of housing types, and more sustainable and balanced communities. In this regard, the development would not breach the 10% limit set on conversions to houses in multiple occupation (HMOs) within a 40m radius, which is set out in the Houses in Multiple Occupation Supplementary Planning Document March 2012 (the HMO SPD). It would thus contribute towards fulfilling the objective of Policy CS16, and would be consistent with the rationale underpinning the city-wide Article 4 Direction which the HMO SPD supports. The Council nonetheless indicates that the conversion would adversely affect both the amenities of residents in the area, and those of future occupants in a number of specific ways.
4. 27 Bronte Way forms part of a small estate whose original layout incorporates provision of garages within a number of parking courts. These courts generally appear to be in poor condition and show limited evidence of use. Access to the garage belonging to No 27 was itself blocked by building rubble at the time of my visit. It is however reasonable to consider that the garage could be made fit for use, thus providing one off-road parking space for occupants of the dwelling. Though the appellant has indicated that 2 further 'on-site' parking spaces would be provided as part of the development, the locations have not been identified, and there is no obvious capacity within the site for such spaces

- to be formed. As such I consider that future occupants of the development would have access to one off-road parking space only.
5. Bronte Way is relatively narrow, thus allowing for on-street parking on one side only. Capacity for this is further reduced where driveways have been formed. My visit took place during working hours on a weekday morning, however the street was nonetheless congested, indeed to the point that some vehicles were parked either partly or fully on pavements. This included the pavement at the bottom of the slope on which No 27 is located, which is presumably not a location within which parking can legitimately take place. Adjacent Langbar Close was similarly congested.
 6. Whilst the situation I observed occupied a moment in time, in view of the layout of the estate, and taking into account representations by interested parties, it is reasonable to consider that on-street parking congestion is not an unusual occurrence. It is also reasonable to consider that this worsens outside normal working hours, including at weekends, resulting in stiff competition between residents, and most likely increasing the obstruction of pavements I witnessed during my visit.
 7. In this context, whether or not No 27 was in use as a house in multiple occupation (HMO), it is possible that occupants could own more than one car. In each case, capacity for legitimate parking on-street would be extremely limited. In my view however, it is more likely that a household formed by 4 unrelated adults would own more than one vehicle between them, than a household formed by a family occupying the current 3 bedrooms. Indeed, the latter might reasonably include children too young to drive.
 8. In this regard the HMO SPD, which operates in association with the Parking Standards Supplementary Planning Document September 2011 (Parking SPD), indicates that a 4-bed HMO should provide a maximum of 3 parking spaces. Though scope exists to provide fewer spaces, the site does not lie within a 'high accessibility' area as defined within the Parking SPD, and thus occupants could not, as an alternative, rely wholly on public transport and walking.
 9. Future occupants could use bicycles, and scope exists for the level of storage set out in the Parking SPD on-site, in a location other than the garage. This could be secured by condition. However, this would not remove the potential for vehicle ownership, or therefore the likelihood that both competition between residents, and pavement parking in Bronte Way would be increased. The fact that there are no other licensed HMOs in the vicinity would not alter this.
 10. What scope exists for the displacement of parking from Bronte Way into other streets in the broader area is unclear. In any case this would potentially result in residents, or future occupants being obliged to walk long distances to and from their dwellings, and would result in congestion and increased competition for on-street space within other streets. Reliance on parking in other streets would therefore worsen the situation for future occupants, and potentially also other residents of Bronte Way, at the same time as spreading the adverse effects of competition for parking space to residents in the broader area.
 11. It is reasonable to consider that there could be a qualitative and quantitative difference between the comings and goings of a household formed by 4 unrelated adults, and those of a household formed by a single family. In this

regard I note the Council's reference to appeal decisions involving proposed HMOs likely to be used by students. The movements and lifestyles of students may indeed differ significantly from those of a family. They would also be likely to differ from those of a household comprised of working people.

12. In this case I have not been provided with any indication that it is likely that students would occupy the dwelling in question. Furthermore, I have not been provided with any reason to believe that more frequent comings and goings would necessarily give rise to a level of noise and disturbance which was both noticeable, and materially harmful. The same would be true in relation to noise generated within the dwelling itself, particularly if again considering the example of a household formed by a family with young children, which might itself generate high levels of noise.
13. No 27 forms part of a terrace which is located at the top of a steep bank. The road and pavement are located at the bottom of this bank. Occupants of the dwellings currently access the front of their dwellings via a path which runs directly up the bank. They are therefore also required to wheel their bins up and down the bank in order for their rubbish to be collected. This was apparent during my visit given that it took place on a collection day. Bins not otherwise being collected generally appear to be stored at the front of dwellings, where they are clearly visible within the streetscene.
14. In the event that No 21 became an HMO, the level of rubbish generated by occupants may or may not increase. Storage of bins at the front, and the requirement to wheel bins up and down the slope would however be no different than at present. Furthermore, I have been provided with no indication that the bins themselves would change. As such the extent to bin storage, or wheeling bins up and down the slope can be considered harmful, in neither regard would the effects be any different than at present.
15. During my visit I observed that bins were placed on the verge at the bottom of the slope. This was partly because the pavement itself was occupied by parked cars, as noted above. Even if it the pavement hadn't been obstructed, there is no particular reason to believe that the pavement would be blocked by bins in the event that the use of No 27 changed, or again that the situation would differ in any significant way to that which exists at present. Indeed, notwithstanding the objectives in relation to waste management set out in the Residential Design Guide 2006, there would be no fundamental change.
16. The Council has made generalised reference to a number of other issues it associates with HMOs, some of which are again covered in appeal decisions to which my attention has been drawn. These include neglected gardens and lack of maintenance of the housing stock. However, noting that the dwelling in question currently appears to be well-maintained and has a reasonably low maintenance garden, I see no reason to believe these issues would necessarily occur if the use of No 27 changed.
17. For the reasons outlined above I conclude that whilst the effect of the development on the living conditions of local residents in relation to noise and disturbance, and on the living conditions of both local residents and future occupants of the dwelling in relation to waste management, would be acceptable, the effect on the living conditions of each in relation to the inadequate level of parking provision which would exist, would be unacceptable. The development would therefore conflict with saved Policy H4 of

the City of Southampton Local Plan Review 2015 (the SLPR) which states that planning permission for conversions to HMOs will only be granted where it would not be detrimental to the amenities of the residents of adjacent or nearby properties; Policy SDP1 of the SLPR which states that planning permission will only be granted for development which does not unacceptably affect the amenity of the city and its citizens; Policy CS19 of the CS, which requires regard to be had to the Parking SPD; supporting guidance within the HMO SPD and Parking SPD; and relevant provisions within the National Planning Policy Framework (Framework) related to securing a high standard of amenity. Whilst the Council also referenced Policy H7(i)(ii) of the SLPR in its decision, sections (i) and (ii) of Policy H7 are struck out in the version provided, and do not otherwise cover relevant matters.

Other Matters

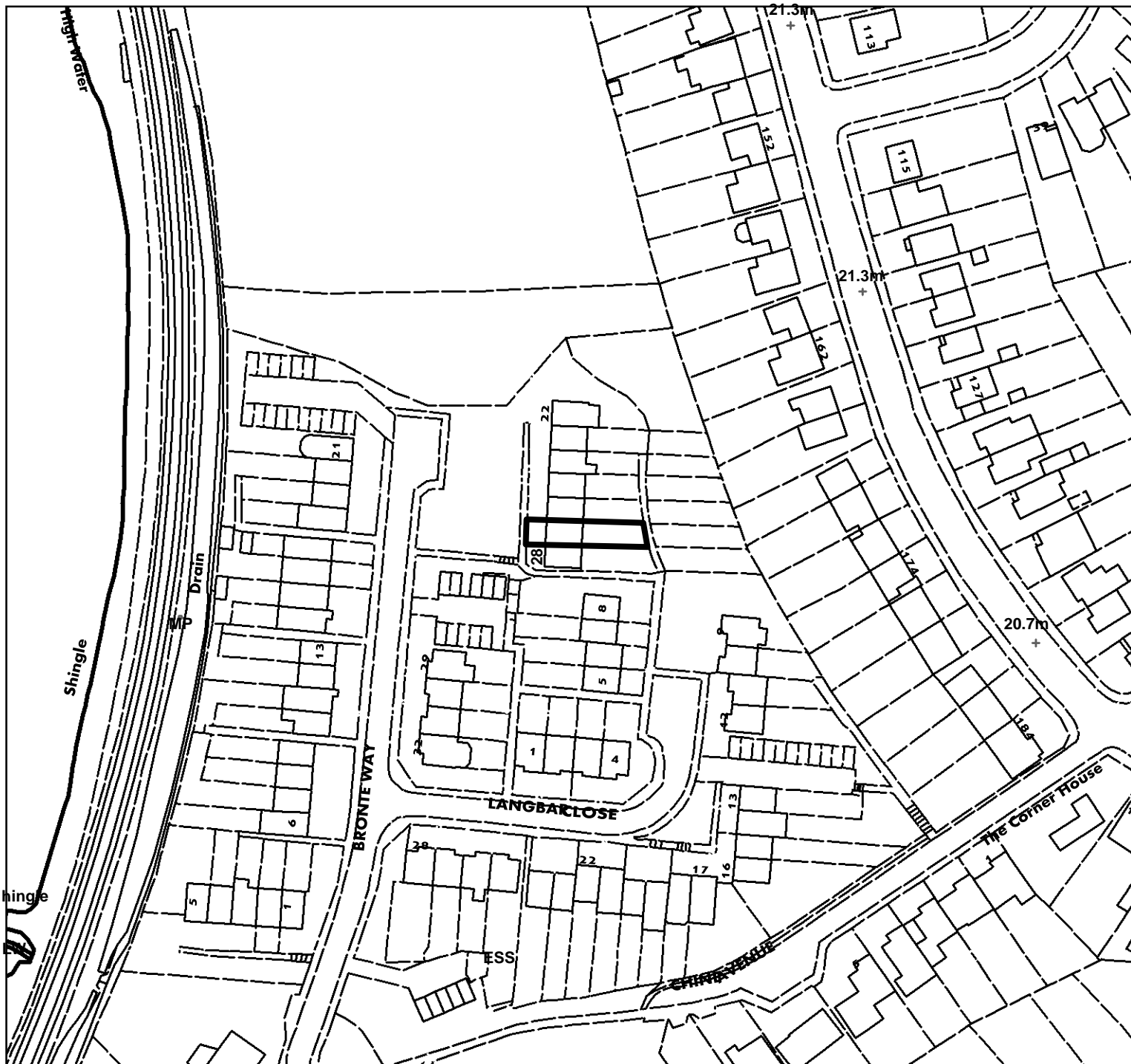
18. The appellant states that the development would make effective use of previously developed land. Paragraph 117 of the Framework indeed supports the effective use of land. Paragraph 117 however sets this within the context of ensuring healthy living conditions. In this regard, and for the reasons outlined above, the proposal would fail.

Conclusion

19. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR



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Agenda Item 6

Planning and Rights of Way Panel 12/01/2021 Planning Application Report of the Planning and Development Service Lead

Application address: 65 Athelstan Road, Southampton			
Proposed development: Erection of a single storey side extension and replacement rear conservatory.			
Application number	20/01205/FUL	Application type	Householder
Case officer	Timothy Furmidge / Rob Sims	Public speaking time	5 Minutes
Last date for determination:	26 th November 2020	Ward	Peartree
Reason for Panel Referral:	Request by Ward Member Keogh in support of comments made by neighbour	Ward Councillors	Cllr Thomas Bell Cllr Alex Houghton Cllr Eamonn Keogh

Applicant: Mr Mike Jones	Agent: Mr David Windsor – of D. Windsor Developments.
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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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. Policies - SDP1, SDP7, SDP9 of the City of Southampton Local Plan Review (2015), and CS13 of the Local Development Framework Core Strategy Development Plan Document (2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 This application relates to a detached period 2 storey house, fronting onto the north-eastern side of Athelstan Road. The wider area is residential in character and comprises period housing styles including semi-detached with some detached 2 storey houses located around this road and area. The application dwelling features red coloured brick at plinth level, with painted peddle-dash walls above with some brick detailing, white double glazed windows and doors and a grey tiled/slatted roof with red clay ridge tiles. There is an attached garage on the south-eastern side elevation and is also directly located on the shared neighbouring boundary/side elevation with No.67 Athelstan Road and flight of steps from the lower drive-way up to the front entrance on its south-western front elevation.
- 1.2 The property comprises a long rear garden that steps up sharply from the rear of the house and abuts the raised rear north-eastern boundary, trees and rear garden with the properties on Chessel Avenue. The rear garden contains retained terraced areas, tall fencing and an area for the swimming pool/decking at the very rear of the site, which is a subject of a separate Enforcement case which has recently ascertained that planning permission is not required for that development.

2.0 Proposal

- 2.1 The application seeks planning permission for a single storey side extension and replacement rear extension. The proposed side extension would convert the existing attached garage and extend it to the rear by 5.5m to level with the rear elevation and would have a flat roof with 2 rooflights. The rear extension would replace an existing conservatory to the same depth (3.5m) but provide a brick built extension with a dual pitched roof protruding 3.4m high. The materials proposed to be used of pebble-dash painted render and red brick plinth would be carried on to the proposed extension to match or be similar to the existing materials used on the present dwelling. **The additional works in the garden do not form part of this application.**

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.3 The National Planning Policy Framework (NPPF) was amended in 2019 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.

4.0 Relevant Planning History

- 4.1 05/00760/FUL - Erection of two storey side extension. – (Refused) (19.07.2005). This was refused due to the scale and width being out of character with the host dwelling, which would destroy the openness between dwellings; and due to size and ground levels would be unduly dominant and impacting on neighbouring amenity.

- 4.2 04/01123/FUL- Erection of a single storey side extension – (CAP) (18.08.2004).
- 4.3 980723/E- Construction of a first floor rear extension– (CAP) (02.09.1998).
- 4.4 1556/E34 – Erection of a single storey rear extension – (CAP) (12.06.1979).

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **1 representation** had been received from a surrounding resident. Ward Councillor Keogh requested that the application be referred to the Panel due to the on-going enforcement issue with the rear decking area fencing at the rear of the site. The following is a summary of the points raised:

- 5.2 **Concerns regarding overdevelopment of the site due to the rear decking and fencing and the new side extension protruding pass the original depth of their property.**

Officer Comment

Although the dwelling would be increased in size, the extended dwelling remains comfortably sited on a substantial rectangular plot. There has been a similar approved application (04/01123/FUL) in the past for a side extension which was considered at that point to be acceptable in visual impact, character and amenity terms, however this was never constructed and the permission has now lapsed. The rear decking and fencing, which was subject to an Enforcement case, does not form part of the application and therefore cannot be considered by this report. Most of the existing amenity space to the front and rear garden would be retained by the proposal.

- 5.3 **The proposal's 2 rooflight would cause loss of privacy and overlooking to their rear 1st floor bathroom windows.**

Officer Comment

The scheme does propose 2 rooflights located towards the rear of the side extension. These are so positioned and angled towards the rear garden to allow for natural daylight to be received into the rooms below and not to allow for views out of them. Their location on a flat roof and angle towards the rear garden would not allow for overlooking and loss of privacy to neighbouring properties.

- 5.4 **Cllr E. Keogh** - requests that this application be sent to Panel due to the existing enforcement issue of the rear decking and fencing in the rear garden of this site and they would support the comments received from the neighbouring resident.

Officer Comment

The rear decking and fencing, which was subject to a present Enforcement case, does not form part of the application and therefore cannot be considered by this report.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are the impact of the application proposal on:
- the character and appearance of the dwelling, due to its prominence the impact on the character and appearance of the area; and
 - the impact upon residential amenity
 - Parking & Trees

Principle of Development

- 6.2 The proposed works exceed 'permitted development' allowances. The principle of extending the existing house is acceptable given its location in an established sub-urban area which is wholly residential in character. The key considerations for this application is the design and impact on the character and appearance of the area; impact on neighbour amenities and parking. The rear garden contains retained terraced areas, tall fencing and an area for the swimming pool/decking. This was the subject of a recent Enforcement investigation which concluded that planning permission is not required for those works. Therefore they cannot be taken in to account when assessing the merits of the proposed extensions.

Design and impact on the character and appearance of the area

- 6.3 The existing property comprises of a two storey Victorian detached dwelling with a front bay and an attached flat roof garage. The proposals are for a single-storey side extension would involve the raising of the existing garage roof by 1.0m and provision of single-storey flat roof extension that would run the full length of the side elevation. With the exception of raising the roof by 1.0m, there would be very little change to the appearance of the property within the street scene.
- 6.4 A similar single-storey side extension was previously approved (04/01123/FUL) but this permission has now lapsed. In terms of design, the use of a continuous flat roof extension at 3.0m high, containing roof lights would keep the size and scale of the extension low key and allow a subservient addition to the existing dwelling. On this basis the extension is considered to a proportionate and acceptable addition to the existing property.
- 6.5 The proposed replacement conservatory is located at the rear of the house and would not be apparent or visible from within the street scene. The existing hexagonal conservatory would be replaced with a single-storey extension of the same depth (3.5m) with a dual pitched roof. The proposed replacement rear extension would remain a proportionate and acceptable addition to the existing property and would not result in harm to the character and appearance of the area.

- 6.6 The proposed extensions are considered to be proportionate additions to the existing property and would not result in the overdevelopment of the existing plot. Whilst terracing and decking has been introduced within the wider plot, buildings and structures do not exceed 50% of the total curtilage of the site, which in any case is not an indicator of overdevelopment. It is considered that the resulting plot retains a significant amount of amenity space for existing residents and therefore the proposed extensions would not result in an overdevelopment of the site. The proposed extensions, by reason of their size, design and appearance would be appropriate having regard to the existing property and would not cause significant harm or detriment to the wider area and, therefore, would accord with the relevant development plan policies and supporting national and local guidance including the Council's approved Residential Design Guide SPD.

Impact upon the neighbouring properties

- 6.7 The proposed side extension would protrude approximately 2.7m further to the rear than the neighbouring property at No. 67 Athelstan Road. The new extension would be located along the shared boundary and to the north west of the neighbouring rear building line. The proposed extension would have a flat roof, 3.0m in height, however it would not breach a line drawn at 45° from the quarter-point of the nearest neighbouring habitable rooms. On this basis the proposed extension would not have an unacceptable impact on No. 67 in terms of loss of light and outlook. In addition the proposed rear extension would not result in the loss of light or outlook to the neighbouring property at No. 63.
- 6.8 The scheme proposes 2 rooflights located towards the rear of the side extension. These are angled to the north east (down the garden) to allow for natural daylight to be received into the rooms below and not to allow for substantial views out of them. These rooflights would, therefore, not result in substantial overlooking or loss of privacy to neighbouring properties.
- 6.9 Having regard to the size and siting of the proposed development, it is considered that there will be a very limited impact upon the neighbouring amenity and the proposal would not result in significant harm by way of loss of light, privacy impact upon outlook and would not result in an overbearing impact. The application accords with saved Policy SDP1(i).

Impact on Parking & Trees

- 6.10 Although the single garage accommodation would be lost due to the proposal, the existing driveway is capable of accommodating more than 3 cars and, therefore, the proposed development would continue to provide adequate off road car parking.
- 6.11 The side and rear extensions would be some distance away from mature trees at the very rear of the site. The proposal would not have a detrimental impact upon these trees, which makes an important contribution to the visual amenity and character of the area and, therefore, a condition is not required for protection during the construction period.

7.0 Summary

7.1 In summary, the proposed extensions are considered to be of an appropriate size, scale and siting and design and would not be detrimental to the character and appearance of the existing dwelling, that of the surrounding area or neighbouring amenity. Having regards to the above it is considered the proposal accords with the design considerations of Policies SDP1, SDP7 and SDP9 of the Local Plan Review (2015) and Policy CS13 of the adopted Core Strategy (2015). The recommendation is that planning permission be approved. The Panel is not being asked to consider the other works to the rear garden that have been found to be permitted development following an enforcement complaint.

8.0 Conclusion

The application is recommended for approval with appropriate conditions.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

RS for 12/01/2021 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition (Performance Condition)

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

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

02. 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.

03. 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 at and above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

04. Approved Plans (Performance Condition)

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)

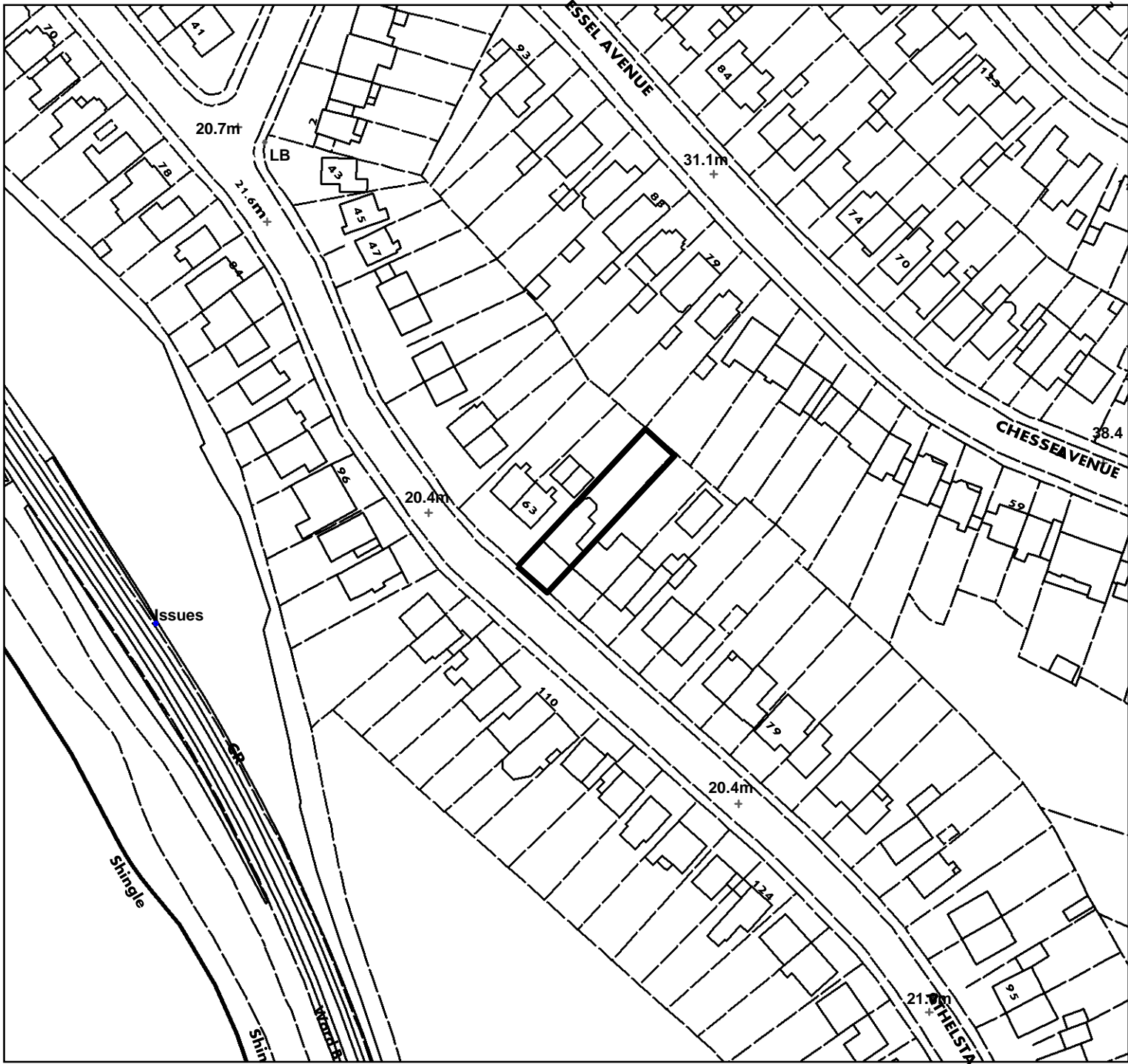
SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework (2019)



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