

Planning and Rights of Way Panel

Tuesday, 8th March, 2022
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

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

Contacts

Democratic Support Officer
Ed Grimshaw
Tel: 023 8083 2390
Mobile: 07385 416491
Email: ed.grimshaw@southampton.gov.uk

Interim Head of Planning and Economic
Development
Paul Barton
Email: paul.barton@southampton.gov.uk

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

2021	
1 June	21 September
22 June	12 October
13 July	2 November
3 August	23 November
24 August	14 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.

2022	
25 January	29 March
15 February	26 April
8 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

OTHER INTERESTS

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

PRINCIPLES OF DECISION MAKING

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

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

In exercising discretion, the decision maker must:

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

AGENDA

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

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

PLEASE NOTE

This meeting is being held adhering the public health guidance necessary precautions to try and combat the spread of Covid, complying with Covid social distancing requirements.

Space is limited and whilst ever effort is being taken to ensure there is enough room it would be helpful if you could register in advance especially if you wish to address the meeting.

During the meeting you may be asked to wait in an alternative room while preceding matters are dealt with. You will be able to follow the meeting on screen and will be called to the meeting room when the item you have registered for is being considered.

Presentation to the Panel can also be made virtually.

The online agenda has a link so that you will be able to watch the meeting virtually.

Should you wish to attend the meeting to address the Panel please register with Democratic Services in advance of the meeting by emailing democratic.services@southampton.gov.uk

Thank you for you corporation.

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 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 15 February 2022 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 21/01894/FUL - BLAKENEY ROAD

(Pages 11 - 24)

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 APPLICATIONS - 21/01889/FUL AND 21/01890/LBC - 8A PEARTREE AVENUE

(Pages 25 - 48)

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

7 PLANNING APPLICATION - 21/01711/FUL - 7 WILLIS ROAD

(Pages 49 - 72)

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, 28 February 2022

Service Director – Legal and Business Operations

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 15 FEBRUARY 2022

Present: Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Magee, Savage, Windle and J Payne

Apologies: Councillors Vaughan

58. **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 J Payne to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 25 January 2022 be approved and signed as a correct record subject to the following change It was noted that Councillor Savage had abstained on the listed building consent for 1A Bugle Street.

60. **PLANNING APPLICATION - 20/00255/FUL - SOUTHAMPTON COMMON**

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.

Widening of the path known as 'Lovers Walk' that runs north to south on the eastern side of Southampton Common between Burgess Road and Westwood Road.

Graham Linecar, Laurie Stras and David Johnston (local residents/ objecting), Tom Horrell (agent), Edward Longman, Adam Tewksbury and Johnnie Dellow (supporters) were present and with the consent of the Chair, addressed the meeting.

The presenting officer noted additional correspondence had been received from the Southampton Commons and Parks Protection Society detailing its objection to the proposal and that this had been circulated and posted online. reported that 3 conditions in the report required amending as set out below.

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

RECORDED VOTE to grant permission

FOR: Councillors Prior, Coombs, Magee and J Payne

AGAINST: Councillor Savage

ABSTAINED: Councillor L Harris

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

Amended Conditions

4. Shared Path Construction (Pre-Commencement condition)

Prior to the commencement of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:

1. A specification of the type of construction proposed for the shared path including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with the method of disposing of surface water.
2. A programme for the making up of the shared path to a standard suitable for adoption by the Highway Authority.
3. Details of a management process which will maintain these areas in the future.

The shared path shall be completed in accordance with the agreed details before the development first comes into use and thereafter retained as approved for the lifetime of the development.

REASON: To ensure that the shared path is constructed in accordance with standards required by the Highway Authority.

5. Hours of work for Demolition / Clearance / Construction (Performance condition)

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

Monday to Friday	08:00 to 18:00 hours
Saturdays	09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

9. Ecological Mitigation Statement (Pre-commencement condition)

Prior to development commencing including site clearance; and notwithstanding the specific location of the mitigation measures which must first be agreed in writing by the Local Planning Authority, the developer shall implement the programme of habitat and species mitigation, compensation and enhancement measures as set out in:

1. Lovers Walk, The Avenue, Southampton Common, Southampton. Ecological Method Statement, ECOSA Ltd Final Document 16th August 2018; and
2. Lovers Walk Cyclepath Upgrade, Southampton Common, Southampton. Ecological Compensation and Management Plan, Final Document (Revision 3) May 2021.

The agreed programme of habitat and species mitigation, compensation and enhancement measures shall accordingly be continued for a minimum period of 10 years.

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

61. PLANNING APPLICATION - 21/01534/FUL - 220 BURGESS ROAD

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

Installation of covered seating area to front (Submitted in conjunction with 21/01535/ADV)

Mr Ansari (supporting the officer recommendation), Dr Sayan, Mr IzazAli (objecting to the officer recommendation), and Councillor Fielker (Ward Councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that statements had been received, circulated and posted online from Dr Mohammed A Al-Gholmy, Rebecca Taylor and Councillor Bunday.

The Panel then considered the recommendation to refuse to grant planning permission. Upon being put to the vote the recommendation was lost.

RECORDED VOTE to refuse planning permission.

FOR: Councillors L Harris, Prior and Windle

AGAINST: Councillors Coombs, Magee, J Payne and Savage

A further motion to grant approval subject to conditions and delegating authority to officers to draft the conditions in line with the Panel's wishes, as set out below, was then proposed by Councillor Savage and seconded by Councillor Windle was carried.

RECORDED VOTE to grant planning permission subject to conditions.

FOR: Councillors L Harris, Coombs, Magee, J Payne, Savage
And Windle

AGAINST: Councillor Prior

RESOLVED that the Panel that planning permission be approved subject to the conditions outlined by the Panel at the meeting and delegated to officers to draft the conditions as set out below.

Conditions

1. 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.

2. Materials

The materials and finishes to be used in the construction of the covered seating area hereby permitted shall be as specified and detailed in the application form and plans.

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.

3. Side elevations

The side elevations of the approved structure shall remain open as shown on the approved plans and shall not be enclosed with any material.

REASON: In the interests of neighbour amenity and to reduce the bulk and massing of this covered seating area

4.No sound amplification systems

At no time shall sound equipment be employed within the extension hereby permitted to broadcast or amplify music or sound.

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

5.Hours of use

The use of the covered seating area hereby permitted shall not be used outside the following hours:

Monday to Saturday 10:00hours to 23:00hours

Sunday and recognised public holidays - 10:00hours to 22:00hours

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

62. **PLANNING APPLICATION - 21/01652/FUL - 2 NEWTOWN 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 the site. Erection of a 3-storey building containing 7 flats (4x 1-bed, 2x 2-bed and 1x 3-bed) with associated parking and cycle/refuse storage, following demolition of existing building

Neil March (agent), and Councillors W Payne and Stead (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that wording of the second recommendation needed to be amended, slightly, to reflect that a Traffic Regulation Order was required.

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

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

RESOLVED that the Panel:

1. confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. Delegated authority to the Head of Planning and Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - a. An agreement between the applicant and the Council under s.278 of the Highways Act to undertake a scheme of works or provide a financial contribution towards site specific transport contributions for highway improvements, including a Traffic Regulation Order and the reinstatement of the dropped kerb, 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 Developer Contributions SPD (April 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. A scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

3. That the Head of Planning and Economic Development be delegated authority to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
4. 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.

63. **PLANNING APPLICATIONS - 21/00910/FUL & 21/01244/FUL - HAWKESWOOD ROAD**

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

Andrew Peterson and Debra Clothier (local residents), Chris Glencoe (applicant) and Councillor Fuller (ward councillor) were present and with the consent of the Chair, addressed the meeting.

Planning application 21/00910/FUL

Installation of new shop front and external alterations including installation of trolley bays, refuse store and ramp and reconfiguration of car park layout (retrospective)

Following the presentations the presenting officer amended the recommendation in the report seeking to grant approval subject to the conditions to a request that Panel delegate the approval to the Head of Planning and Economic Development subject to the agreement of Servicing and Delivery Management condition, as set out below.

Upon being to the vote the amended recommendation to delegate approval to the Head of Planning and Economic Development was carried unanimously

RESOLVED that

- (i) Panel grant delegated authority to the Head of Planning and Economic Development to grant planning permission subject to the planning conditions with the report and the amended condition below.
- (ii) That the Head of Planning and Economic Development be delegated authority to vary the condition subject to agreement on delivery times for Sundays.

Amended Condition

Condition 2 - Servicing & Delivery Management (Performance)

Unless otherwise agreed in writing, the servicing and delivery of the premises shall only be carried out in accordance with the approved servicing and delivery management plan 63312/03/DL/ZW (22nd September 2021). HGV deliveries shall not take place outside the hours 06:00-20:30 Monday to Saturdays and 08:00-16:00 on Sundays and Bank Holidays. Furthermore, during opening hours there shall be no HGV deliveries to take place during network peak hours between the hours of 08:00-09:00 and 16:00-18:00 on weekdays; and between 12:00-14:00 on Saturdays.

REASON: In the interests of residential amenity and highways safety.

Planning Application 21/01244/FUL

External alterations to eastern elevation and installation of external lighting (part retrospective)

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

64. **PLANNING APPLICATION - 21/01352/FUL - 7 LEIGH 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 a roof extension with dormer windows to front and rear elevations and part demolition of front boundary wall to form vehicular access with dropped kerb.

Roger Brown, Jim Hodder and Jerry Gillen (local residents/ objecting), and Mrs Tariq (applicant) were present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that a statement of objection had been received, circulated and posted online from Ed Easton and Kieran Ingram.

Following the presentations the Panel voted to approve the inclusion of an additional condition, as set out below.

The Panel then considered the recommendation to grant conditional planning permission with the additional condition. 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 and any additional or amended conditions set out below.

Amended Condition

7. Obscure Glazing (Performance)

The approved dormer window and rooflight in the south west and north east roofslopes shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 8th March 2022 - 4pm

PLEASE NOTE:

Public Health guidelines have unfortunately limited the numbers of seats available.

Timings are estimated Members of public are advised to attend in advance of these estimated timings. Members of public are advised to arrive in good time allowing for potential variation to the timings.

Members of public wishing to speak must register in advance with the Panel clerk by emailing democratic.services@southampton.gov.uk

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
This application will be heard at 4:00pm				
5	SK/RS	CAP	5	21/01894/FUL Blakeney Rd
This application will be heard at approximately 4:45pm				
6	AC	CAP	5 each	21/01889/FUL & 21/01890/LBC 8a Peartree Avenue
This application will be heard at approximately 5:30pm				
7	SB	CAP	5	21/01711/FUL 7 Willis Rd

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:

SF – Sam Kushner
 RS – Rob Sims
 AC – Anna Coombes
 SB – Stuart Brooks

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

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

Background Papers

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

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

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

- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (2013)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

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

5. Documents relating to Highways and Traffic

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

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

6. Government Policy Planning Advice

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

7. Other Published Documents

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

Agenda Item 5

Planning and Rights of Way Panel 8th March 2022 Planning Application Report of the Head of Planning & Economic Development

Application address: Land and Verge between 4 and 6 Blakeney Road, Southampton			
Proposed development: Change of use of open space and verge to 9 parking spaces facilitated by Grassblock paving (departure from local plan)			
Application number:	21/01894/FUL	Application type:	FULL
Case officer:	Sam Kushner	Public speaking time:	5 minutes
Last date for determination:	09.02.2022	Ward:	Redbridge
Reason for Panel Referral:	Three or more letters of objection have been received (departure from Local Plan)	Ward Councillors:	Cllr Guest Cllr McEwing Cllr Spicer
Applicant: Balfour Beatty on behalf of Southampton City Council		Agent: N/A	

Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations such as character of the conservation area, residential amenities and highway safety have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies –CS13, CS14, CS18, CS19, CS20, CS21, CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, of the City of Southampton Local Plan Review (Amended 2015), as supported by the relevant sections of the NPPF (2021)

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally Approve

1. The site and its context

- 1.1 The application site comprises of a rectangular parcel of open land between 4 and 6 Blakeney Road. The site lies to the north east of Blakeney Road, with residential properties to the west, south and east. To the rear (the north) there are parking spaces serving the residents of Oldbury Court.

- 1.2 The existing site is a grass verge with hooped perimeter barriers preventing through access between Oldbury Court and Blakeney Road. The area is characterised by residential housing in a variety of styles. The predominant style is terraced housing with some detached properties as well. The footway is separated from the main carriageway by grass verges, though there are breaks in the verge for vehicle access to existing driveways / hardstanding for parking as well as for the ease of pedestrian crossing.
- 1.3 The site has been identified as part of the Council's 1000 car parking spaces project. The area has been highlighted for having extensive car parking issues. On street parking is not possible for long term parking as the street is too narrow.

2 Proposal

- 2.1 Planning permission is sought to redevelop the rectangular parcel of land to form 9 car parking spaces. The proposed plans would use grassblock for the surfacing, rather than tarmac, enabling grass to grow through. The total area of verge converted to car parking would be 235sqm as well as providing a 5.5m wide access on to Blakeney Road. Each of the parking spaces has a depth of 4.8m and a width 2.4m with an aisle space of 6m. The footway between the main carriageway of Blakeney Road and the entrance to the car park will be converted to vehicle crossing. New kerbs will be installed between the carriageway and the footpath.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated

4. Relevant Planning History

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

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 (**14.01.2022**). At the time of writing the report, **13 representations** have been received.

5.2 At the time of writing **9 letters of SUPPORT** have been received from members of the public and ward councillors. The following is a summary of the points raised:

- There is additional need for parking in the area around Blakeney Road, especially during the week as it is nearby to a primary school.
- There is already informal usage of the verges on Blakeney Road which has led to the grass being damaged.
- There is a nearby play area so loss of greenspace for children is not an issue.

Ward Councillor McEwing – Supports

Extra parking across the Redbridge/Millbrook estate is a welcome proposal, although not all sites chosen are the best for parking sites. However, the proposal for 21/01894/FUL is welcome. Having experienced the parking situation in Blakeney/Hayburn Rd at best as difficult, especially during school runs - Monday-Friday - term time. For extra parking in this area is welcome, this will help those who not only live in Blakeney/Hayburn Rd but also Oldbury Court. I have concerns for the tenant in no.6 Blakeney Rd, but looking at what we have in place in other parts of the ward, I'm sure their fears will be allayed.

Ward Councillor Spicer – Supports

I wish to support this application for parking.

It will help nearby residents with parking issues they have had for many years. In the past residents would drive on the grass area opposite this proposed car park. It would turn the grass area into an unsightly, muddy mess making pathways slippery with mud. The dragons teeth have helped preserve the grass area. This new parking area should now help relieve some of the parking issues in this area.

Overall I have had positive feedback for this location for more parking. With that in mind I am happy to support. I am pleased this area will not just be tarmacked over. Instead, it will be grassblock paving. This will help to blend in the new parking area with the grass area behind it in Oldbury.

5.3 At the time of writing **4 letters of OBJECTION** have been received from members of the public. The following is a summary of the points raised:

5.4 ***The proposed plans would cause issues with overlooking and overshadowing and headlights would shine through windows. The proposal impacts on neighbours with additional noise, particularly at late night.***

Response

Concerns noted. It is acknowledged that during hours of darkness there will be some issues with headlights shining in the direction of properties sitting opposite the site of the proposed plans, as well as increased noise for neighbours directly neighbouring. The car parking scheme is for 9 spaces and, therefore, there should not be constant movement that could be expected at a scheme of a larger nature. Blakeney Road is a residential street not a main road and therefore times waiting to join the carriageway should be minimal. Additionally, there is a distance of approximately 32m between the edge of the carriageway at the verge and the front of the properties which sit opposite.

- 5.5 ***The proposed plans have a poor design and should be placed somewhere else where they are required more***

Response

The council has identified this area as having existing parking issues, and has deemed this grass verge as the most suitable area to accommodate parking spaces. The design meets standards set out in the parking SPD and residential design guidance.

- 5.6 ***The proposed plans would result in a loss of green space***

Response

The loss of green space is contrary to our Development Plan planning policies, which seek to ensure no net loss. Mitigation has been included in the proposals which seek to offset the impact of this loss. The appropriateness of this mitigation will be considered and assessed below as part of the Planning balance.

- 5.7 **Consultation Responses**

- 5.8 **SCC Ecology – No objection subject to mitigation**

The proposed development will result in the permanent loss of greenspace. Compensation will be required for the loss of greenspace which should either involve the re-provision of greenspace elsewhere or improvements to the remaining greenspace.

The frequency of vehicle movements is likely to prevent grass from growing within the grass block and it cannot therefore be considered to provide adequate mitigation for the loss of the grassland. Instead, I would expect to see the introduction of an equivalent area of wildflower grassland around the margins to improve the quality of some of the remaining grassland. This would also deliver biodiversity enhancements which are required under policy CS22 Promoting Biodiversity and Protecting Habitats. If planning permission is granted, I would like a planning condition to secure an Ecological Mitigation Statement.

Updated Comments 24/02/2022

Housing have committed to funding the proposed replacement habitat which will address the full extent of the amenity grassland be lost as part of the wider car parking project. They has also undertaken to set up some meetings in order to develop a delivery programme. As a consequence, I am prepared to withdraw my objections to the current car park planning applications.

- 5.9 **SCC Highways – No objection**

No highways objection to the proposals in principle. However, pedestrian access to the parking spaces should be improved, with a grassblock paved footway (min width 1.5m) and dropped kerb to the south of the site to connect with existing footway. The depth of the spaces should be increased slightly to allow for future proofing of the car parking to enable sufficient space for installation of electric charging terminals. As per application 21/00758/R3CFL (1- 36 Honister Close), ducting should be provided along the edge of parking spaces to allow for future electrical charging installation.

- 5.10 **SCC Sustainability (Flood Risk)– Holding Objection**

The site at Blakeney Road is located within an area that carries a present day high risk of surface water flooding and a moderate susceptibility to groundwater flooding. In this area, drainage of existing hard standing areas (including the highway) and roofs is via a public surface water sewer (Southern Water) which connects into a culverted watercourse of mixed ownership (including Southampton City Council and private land owners) approximately 90m from the site. The capacity of the culvert is largely unknown however there have been increasing incidents of surface water flooding during high intensity rainfall events. Given this it is therefore important to ensure that additional flows to this asset are minimised otherwise the risk of downstream flooding may increase. This site may be a relatively small scale development, however the cumulative impact of loss of natural permeable area within the catchment can have a large impact on local flood risk.

Whilst there is no requirement within National Planning Policy for minor developments to incorporate sustainable drainage, Southampton Core Strategy Policy CS20 and CS23 requires Sustainable Drainage Systems and measures to reduce or avoid water contamination and safeguard groundwater supply should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location. This site is also classified as undeveloped greenfield which elevates the importance on ensuring that there is no increase in surface water volume or runoff rates as a result of the change of use in this space.

The proposal is for the use of grass grids. Whilst this will allow some water to infiltrate through the surface, there is still an increase in impermeable area, particularly as over time the soil between the grids is likely to become compacted reducing infiltration properties. Drawing 21/AH/M/002/700/01 shows that the proposal includes an area of dense asphalt to create a pavement which slopes towards the grass grids. It is not clear whether there is sufficient storage for water within the sub-base of the grass grids for the design rainfall event, or whether the ground will be suitable for infiltration based drainage given increase of water arriving at the site. If insufficient attenuation storage, runoff is likely to leave the site and enter the local drainage system.

Consideration should also be given to water quality as there is potential contamination of the sub-soil and groundwater arising from provision of parking on grass without any method of treatment to reduce hydrocarbons, oils and other chemicals entering the ground directly.

There is no detailed drainage strategy included to provide information on what the current greenfield runoff rate is, what the post-developed runoff rate will be or the amount of storage required to offset any changes that arise from increase in impermeable area therefore it is difficult to provide an assessment of whether the proposal is deemed acceptable for a greenfield site. It is recommended that a holding objection is applied to obtain further detail on the drainage strategy.

Officer Response

A planning condition is recommended to secure further drainage details prior to the commencement of development. The submitted details will be shared with the Council's Flood Officer ahead of sign off.

6. Planning Consideration Key Issues

6.1 The key considerations in the determination of this planning application are:

- The principle of development;
- Design and effect on character
- Residential amenity
- Parking highways and transport; and;
- Mitigation of direct local impacts
- Planning Balance / Summary

6.2 Principles of Development

6.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38 (6) of the Planning and Compulsory Purchase Act 2004). The development plan for the area is the City of Southampton Local Plan Review (2015), and the Local Development Framework Core Strategy Development Plan Document (2015). The National Planning Policy Framework (NPPF) constitutes national policy to which the Local Planning Authority (LPA) must have regard. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any determination.

6.2.2 Policy CS21 (Protecting and Enhancing Open Space) of the adopted Core Strategy states that:

The Council will retain the quantity and improve the quality and accessibility of the city's diverse and multi – functional open spaces and help deliver new open space both within and beyond the city to meet the needs of all age groups through:

1. *Protecting and enhancing key open spaces including Southampton Common, central, district and local parks;*
2. *Replacing or reconfiguring other open spaces in order to achieve wider community benefits such as improving the quality of open space, or providing a more even distribution across the city;*
3. *Safeguarding and, when opportunities arise, extending the green grid (see Policy 22);*
4. *Seeking developer contributions to provide high quality, accessible open spaces*

The proposals to provide 9 parking spaces would be directly contrary to the aims of Policy CS21 as they result in the loss of open space and does not deliver new open space.

6.2.3 In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004 development proposals that are considered to be in conflict with the Development Plan should be refused, unless material considerations outweigh the perceived conflict. In this instance the proposals seek to deliver off road parking spaces for existing residents in order to address the current issues with on road parking including indiscriminate parking behaviour, such as parking on grass verges. These spaces aim to provide relief to those issues. In addition, the applicant has stated their intention to replant wildflower areas, provide additional

landscaping around the site and estate to improve the quality of open spaces and to provide the infrastructure for electric vehicle charging. These 'benefits' amount to a material consideration, which seek to outweigh the conflict with the Policy CS21 and will be considered within the Planning Balance/Mitigation section below.

6.3 Design and effect on character

6.3.1 The area comprises of rows of two storey terraced dwellings which front Blakeney Road. The rows of terraces are intercepted with grass verges and footpaths providing permeability through the estate. The open spaces in particular provide small pockets of amenity space and visual breaks between dwellings. The proposals would develop a rectangular portion of this open/amenity space in order to provide parking spaces. Some properties have already converted their front gardens to off-site parking spaces, and some have retained their grass frontages. In addition, there are examples of dedicated parking bays providing off road spaces for residents. These proposals would provide dedicated parking bays which would be parallel to the road. Providing these parking bay spaces would not be out of character with the wider area and would back on to the existing parking spaces provided at Oldbury Court and they would not provide 'built up' development that would interrupt views through the site. However, they would result in a loss of visual amenity through developing on a existing open space. Whilst some soft landscaping is proposed around the edges of the new parking area, this would not fully compensate for the loss of grass verge on its own. The loss of visual amenity will be considered below against the perceived benefits of the application as a whole.

6.4 Residential Amenity

6.4.1 In general, there are both positive and negative impacts on residential amenity, as can be observed from the letters of representation. In terms of the positives, resident's amenity is currently affected by antisocial parking which causes harms to the verges and indiscriminate parking behaviour. The introduction of the proposed plans would prevent further damage from being made by providing more spaces which would reduce inappropriate parking behaviour. In addition, the spaces would provide dedicate and safer (unallocated) parking spaces for existing residents, which is a benefit to residential amenity.

6.4.2 Whilst the proposals provide benefits for some residents, concerns have been raised that their location could result in noise and disturbance and loss of amenity to immediate neighbouring properties. In particular concerns have been raised by some of the occupiers of 8-13 Blakeney Road which are located opposite the entrance to the parking bays. Their particular concerns are that vehicles exiting the parking court would shine their headlights in the front elevation of these properties, which would result in loss of amenity. Whilst these concerns are noted, the front elevation of these properties are located approximately 32m from the point of access on to Blakeney Road, which included a grass verge in between. This distance, coupled with the relatively smaller number of parking spaces, would limit the duration and frequency of headlights shining directly towards these neighbouring properties. Therefore, whilst the neighbours would experience some loss of amenity, this impact would not be significant or justify a reason for refusal, especially when considering the material benefits of the

proposals. As such, the residential amenity is concluded to be acceptable, and the improvements outweigh the minor loss of amenity for some residents.

6.5 Parking highways and transport

6.5.1 The proposal provides parking in an area identified with existing parking issues. The provision of off road parking spaces, would represent an improvement to existing highway conditions as the road does not benefit from a Traffic Regulation Order. The layout of the car parking area and its spaces meets the standards set out in the Parking Standards SPD and provides suitable access width and clear sight lines either side of the entrance/exit. On this basis Highways officers do not object to the proposed plans.

6.5.2 The comments of the Highway Officers are supported and it is acknowledged that the proposals would provide highway safety and amenity benefits to the area. The proposals also represent an opportunity to provide the infrastructure for electric vehicle charging for each space. Provision for this infrastructure will be safeguarded through the size and depth of the parking bays and will be secured through conditions.

6.6 Mitigation of direct local impacts

6.6.1 In order compensate for the loss of open space and associated impact on Biodiversity, the applicant has agreed with the Biodiversity Team that this scheme, and others coming forward, will contribute towards the implementation of a wildflower meadow elsewhere on land owned by the Council, which would appropriate compensate for the loss of open space and potential impact on biodiversity. This will ensure that the scheme mitigates against the loss of habitat from this particular area and provides an overall enhancement to the quality of biodiversity habitat across the wider area. This mitigation will be secured through a suitably worded planning condition.

6.6.2 In terms of flood prevention, the proposals result in the loss of grass, which currently offers a permeable area for the drainage of surface water. The current policy position in respect of flood risk is that new development should seek to replicate the current greenfield rates. The proposals would use a grasscrete base for the parking areas, which comprises of concrete grids, allowing surface water to seep through the grid in to the soil below. The type of grasscrete to be used demonstrates that the surface water run off would replicate 90% of greenfield run off rates. However the Flood Risk Team have requested that a specific drainage strategy is provided in order to ensure that the proposals do not increase surface water run off and flooding issues. This strategy will be secured through a condition in order to address their concerns.

7. Planning balance / summary

7.1 The loss of open space / amenity land is directly contrary to Policy CS21 of the adopted Core Strategy and is therefore in conflict with the Development Plan. However, the application to provide residents with additional off road parking spaces for residents would deliver a number of benefits to the local area which

constitute notable material considerations, which together, outweigh the conflict with the development plan, including the loss of visual amenity and minor loss of amenity to neighbouring residents. These include the provision of off-site parking spaces to address current issues with verge parking and on road congestion. In addition the application would deliver biodiversity improvements and specific infrastructure for EV charging. On this basis these material benefits are considered to outweigh the conflict with the Development Plan and the application can be supported in the round.

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

Sam Kushner for 08/03/2022 PROW Panel

PLANNING CONDITIONS

1. Full permission timing (Performance)

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

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

2. Approved Plans (Performance)

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

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

3. Materials as specified and to match (Performance Condition)

The materials and finishes to be used for the grassblock, hardstanding, drainage goods and dragon's teeth in the construction of the development hereby permitted, shall be as specified on the approved plans. Where there are no materials specified on the approved plans, the materials shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those in the existing street scene.

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

4. No lighting (Performance condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2021 as amended or any Order amending, revoking or re-enacting that Order, at no time shall lighting of any type be added without separate planning permission or the relevant licenses ahead of undertaking a permitted development change. No lighting infrastructure shall be added as part of this scheme.

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development with regard to the amenities of the surrounding area.

5. Hours of work for Demolition / Clearance / Construction (Performance)

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

6. Electric Vehicle Spaces

Prior to the development hereby approved first coming into use provision of infrastructure for the installation of charging facilities for electric vehicles shall be provided in accordance with the details hereby approved.

Reason: In the interest of reducing emissions from private vehicles and improving the city's air quality.

7. Ecological Mitigation Implementation

The development shall be carried in accordance with the Council's Ecological Management Plan and contribute towards the implementation of an off-site Wild Flower Meadow. The agreed mitigation measures shall be thereafter retained as approved.

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

8. Parking (Performance)

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

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

9. Surface Water Drainage (Pre-commencement)

No development approved by this permission shall commence until a surface water drainage scheme has 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.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting

Supplementary Planning Guidance

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

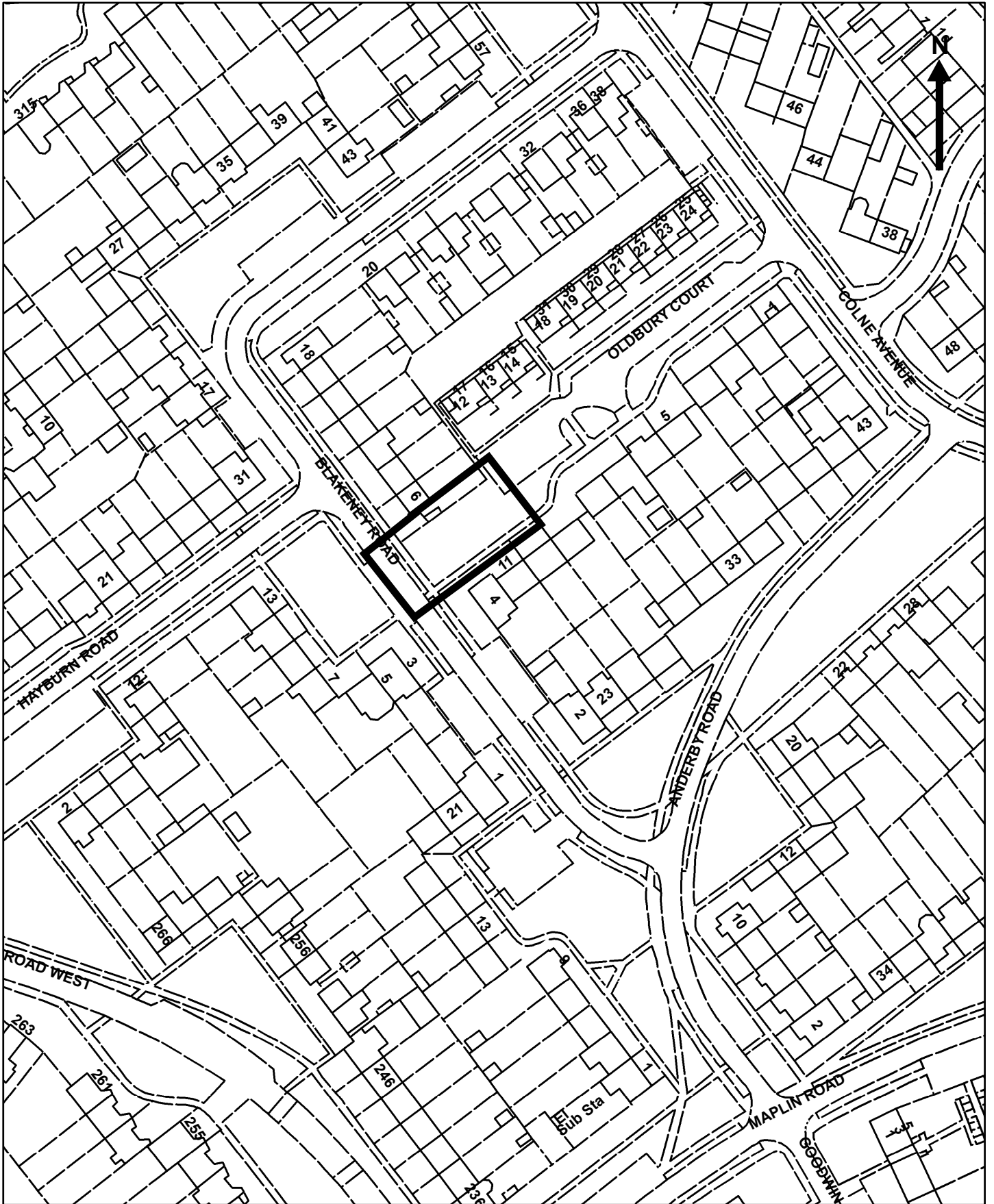
Other Relevant Guidance

The National Planning Policy Framework (2021)

RELEVANT PLANNING HISTORY

Case Ref	Proposal	Decision	Date
C10/1674	CONSTRUCTION OF 10 CAR PARKING SPACES adj. 17-43 Blakeney Road	Consent Given	11/03/1986

Agenda Item 5 21/01894/FUL



Scale: 1:1,250

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Planning and Rights of Way Panel 8th March 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 8A Peartree Avenue Southampton			
Proposed development: This item refers to 2 linked applications:			
<u>21/01889/FUL</u> Erection of a 2-storey side extension			
<u>21/01890/LBC</u> Listed building consent sought for erection of a 2-storey side extension			
Application number:	21/01889/FUL & 21/01890/LBC	Application type:	FUL & LBC
Case officer:	Anna Coombes	Public speaking time:	5 minutes per application
Last date for determination:	10.03.2022	Ward:	Peartree
Reason for Panel Referral:	5 or more objections	Ward Councillors:	Cllr Bell Cllr Houghton Cllr Payne
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Peartree House Rehabilitation, Dr J Sargent		Agent: D W Marsh Architectural Design Ltd	

<p>Recommendation Summary:</p> <p><i>This item refers to 2 linked planning applications and will require 2 Panel votes</i></p>	<p><u>21/01889/FUL</u> Conditionally approve</p> <p><u>21/01890/LBC</u> Conditionally approve</p>
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies – CS7, CS13, CS14, CS19, CS22 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP15, SDP16, HE3 and HE6 of the City of

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Comparison of previous consents		

Recommendation in Full

Under consideration are 2 linked planning applications for the same site and set of works:

21/01889/FUL - Planning:

Conditionally approve.

21/01890/LBC – Listed Building Consent:

Conditionally approve.

1. Background

- 1.1 The applicant 'Peartree House Rehabilitation' are a 32 bedroom care home providing care for people with acquired brain injuries requiring a higher level of care. Peartree House Rehabilitation have operated on this site since the mid-1990s and the site had previously been in use as a care home from the end of the Second World War.
- 1.2 The applicant has made various extensions and alterations to the site during their occupation, mainly altering and extending the late 20th Century additions, with minimal works to the host Grade II Listed Building, Peartree House, itself.
- 1.3 This current application follows 3 previous consents for a single-storey side extension at the north-western corner of the site, to the rear of No's 16 and 18 Peartree Avenue. The proposal has undergone various changes since the first planning consent for these extension works was issued in 2016. The previous consents were for extensions and alterations of the existing 1960s / 1970s extension structure. The current application now proposes total replacement of the existing extension structure, lowering the floor levels to match those in the main building.

2. The site and its context

- 2.1 The application site comprises the original Grade II Listed Building, known as Peartree House, to the south of the site with extensive later 20th Century single-storey additions to the North and East of the listed building and a small car park to the South and storage / servicing areas to the West of the listed building. According to the Listing Text, Peartree House is described as:

Built by 1617 but refaced circa 1800. Two storeys cemented with tiled roof. C17 chimney stack. South facade has castellated parapet. Seven sashes with glazing bars intact on the first floor only with hipped roofs over. The centre has a verandah on the ground floor of 5 wooden archways with Neo-

Tudor heads. The wings have iron balconettes to first floor windows. Tripartite sashes to side elevations. The interior has inglenook fireplaces, mainly blocked.

- 2.2 The site is surrounded on all sides by residential properties that back onto the site. The ground levels locally slope down from west to east meaning that the properties on Peartree Avenue are on higher ground, approximately 1.5m higher than the application site with a banked area immediately adjacent to the north-western side boundary that drops approximately 750mm down to the development site.
- 2.3 There is a group of sycamore trees on site, adjacent to the development location along the north-western side boundary, that are protected by a TPO number T2-632 (The Southampton (Peartree House) Tree Preservation Order 2015).

3. **Proposal**

- 3.1 Application no. **21/01889/FUL** seeks planning permission for the erection of a two-storey side extension to the existing building, replacing the existing 1960s single-storey extension, and creating a landscaped patio and garden area to the North of the proposed extension. Ground levels will be excavated to set the ground floor of the new two-storey side extension lower than the existing 1960s structure, in order to make this level with the main building and remove the existing need for internal steps between the main building and the extension.
- 3.2 The proposal creates 8 en-suite accessible bedrooms over two floors, along with 4 store cupboards and a lift. These bedrooms will replace 5 existing bedrooms within the original listed building of Peartree House (2 at ground floor and 3 at first floor), 1 existing bedroom within the 1960s side extension being replaced, and will provide 2 new bedrooms. The administrative offices currently housed within the existing 1960s side extension will be moved into the original listed building, replacing the existing bedrooms there.
- 3.3 Application no. **21/01890/LBC** seeks listed building consent for the same development. The considerations under the listed building consent application are limited to the impact of the proposed two-storey side extension on the character, historical significance and setting of the host listed building, Peartree House, and any physical works to the historic fabric of the original listed building.
- 3.4 Apart from the extension itself the only changes to the listed building itself are the change of use of 2 rooms at ground floor and 3 rooms at first floor from their existing use as bedrooms into use as administrative offices. No physical alterations or additions to the historic fabric of the original building are proposed.

4. **Relevant Planning Policy**

- 4.1 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**.
- 4.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 5. Relevant Planning History**
- 5.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report. Peartree House Rehabilitation Ltd have operated on this site since the mid-1990s and have made various additions to the modern parts of the site in order to expand their operation. Previous to this, the site was in use as a care home from the end of the Second World War with various additions built in the 1960s and 1970s. The most relevant applications for this proposal are listed below. A comparison of the footprints of each of the relevant consented schemes has also been included as **Appendix 3**.
- 5.2 In 2015 the first full planning application (ref: 15/01606/FUL) and associated application for listed building consent (ref: 15/01607/LBC) were made for 2 small single-storey extensions to the existing 1960s single-storey structure in the north-western corner of the site. The planning application was refused due to insufficient information regarding protection of the adjacent protected trees. The associated listed building consent was granted as this considered a more limited scope of issues.
- 5.3 In 2016 a revised planning application (ref: 16/00009/FUL) for the same proposed single-storey extension was granted conditional approval, as it now included appropriate supporting documents concerning suitable protection measures for the adjacent protected trees.
- 5.4 In 2019 a new application for planning permission (ref: 19/01948/FUL) and associated application for listed building consent (ref: 19/01949/LBC) were both granted conditional approval. These applications proposed a single-storey extension of the same existing 1960s structure with a much larger footprint extending northwards following the purchase of adjoining rear garden land from No.20 Peartree Avenue. The proposal did not extend any further towards the north-western boundary than the previously approved scheme. These applications also included a separate small extension to the eastern elevation of the building.
- 5.5 In 2020 a further application for planning permission (ref: 20/01093/FUL) and associated application for listed building consent (ref: 20/01094/LBC) were

again both granted conditional approval. This proposal had the same sized extension towards the north-western side boundary as previously approved schemes, and a significantly reduced extension towards the northern boundary compared to the previous 2019 approvals.

- 5.7 The current proposal under consideration (associated application refs: 21/01889/FUL and 21/01890/LBC) now follows the same footprint as the most recent 2020 approved scheme, but now consists of the erection of a new two-storey extension to the main building rather than extensions to the existing single-storey 1960s structure.

6. Consultation Responses and Notification Representations

- 6.1 Following the receipt of application refs **21/01889/FUL & 21/01890/LBC** a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice on 21.01.2022 and 14.01.2022 respectively. A press notice was published 21.01.2022. At the time of writing the report **8 representations** have been received from surrounding residents for planning application ref: **21/01889/FUL** and none for listed building consent application ref: **21/01890/LBC**.

Of the 8 representations received under ref: **21/01889/FUL**, 3 of those representations came from residents outside the application ward. 1 of the 8 representations was a petition letter listing 6 addresses on Sholing Road, however this has been counted as a single representation, as it has only been signed by one resident.

The following is a summary of the points raised under application no. **21/01889/FUL (application for planning permission)**:

- 6.2 ***Overlooking to neighbouring properties on Peartree Avenue and Sholing Road.***

Response

The two side-facing windows in the western elevation of the proposed extension are to be obscurely glazed, ensuring no overlooking to neighbouring properties. The separation distance between the proposed extension and the rear elevation of closest neighbour No.18 Peartree Avenue is approximately 23m, exceeding our minimum distance given in the Residential Design Guide SPD, with intervening protected trees. The proposed bedroom windows will be oriented north-east, overlooking only the very ends of neighbouring gardens to No's 20-26 Peartree Avenue. There will be no direct overlooking to these properties. The extension will not be visible from properties on Sholing Road.

- 6.3 ***Overshadowing to gardens properties on Peartree Avenue.***

Response

The proposed extension will be sunken slightly into the site, with a gap of at

least 8m retained between the building and the northern common boundary with No.22 Peartree Avenue and a gap of 7.6m retained to the boundary with No's 16 and 18 Peartree Avenue. At this distance the proposed extension will not result in significantly harmful overshadowing to neighbouring gardens.

- 6.4 ***Impact on parking due to increase in bed spaces, staff and visitors. The applicants have acquired other houses in Sholing Road and Merridale Road to expand their business which has had an adverse impact on parking locally.***

Response

The proposal mainly replaces existing accommodation, only proposing 2 new bed spaces in total. Each application is judged on its own merits and in accordance with our maximum Parking Standards which set a maximum standard of 1 parking space per 4 beds in this area, totalling 2 parking spaces for the proposed development (albeit 6 of these rooms are already available). The existing parking area provides at least 20 parking spaces. This care home is a secure unit, so visitors must arrive by appointment only and traffic is therefore controlled.

- 6.5 ***Noise and light pollution to neighbouring dwellings.***

Response

The proposal is located approximately 23m from the nearest dwelling on Peartree Avenue with intervening protected mature trees. At this distance, and given the intervening tree screening and the fact that the proposed extension is to be sunken slightly to reduce its overall height, the impact of the proposed new extension is not considered to be significantly harmful.

- 6.6 ***The proposed two-storey extension is not in keeping with the existing single-storey buildings.***

Response

The scale and design of the proposed extension have been considered in the context of the site and its impact on the host Listed Building. This is discussed in more detail below.

- 6.7 ***Harm to birds and wildlife visiting nearby gardens. Impact on biodiversity during construction.***

Response

The proposed landscaping provides opportunities for improving the biodiversity of the application site over the existing low quality grass and scrub in this area. Given the existing buildings and activity on site in this location, and the fact that the proposed building will be sunken slightly into the ground, the proposed two-storey extension is not considered to have a significantly more harmful impact on wildlife and biodiversity over the existing situation.

Consultation Responses

- 6.8 **Historic Environment** – No objection to either application, subject to conditions. The property is a grade II listed building of the C17th/C19th and was formerly Peartree House of Elizabethan origins with a range of outbuildings to the north, since lost. The lands to the south and east were once formal gardens and are recorded on the Hampshire Register of Parks and Gardens but have since been re-developed. The property has been a house, a school, and a hotel, and since 1949 has been a residential care home facility with large C20th extensions for accommodation attached to the north and east.

The grounds to the north of the host building have been substantially altered over time thus the contribution the rear of the plot affords the listed building is limited. Also, the proposed increase in height of this modern unit would add yet more mass to the rear of the plot. However, the ridgeline of the new unit would still sit below the eave height of the roofscape of the host building given the differing surface levels. Likewise, it would continue to be visually separated from the main building by the lower height of the intervening development. Furthermore, the historic core of the property would remain unaffected.

Therefore, whilst I am not entirely convinced that continually adding more mass to facilitate a continued care home use in this listed building is a sustainable way forward given the constraints of the site and its context, the harm to the setting, and hence significance, of the listed building would be considered minor and no objections would be raised from a conservation perspective on this occasion – subject to a materials condition:

- 6.9 **Archaeology** – No objection to either application, subject to conditions. Peartree House (8A Peartree Avenue) was built before 1617. The only archaeological investigation to have taken place in the former grounds of Peartree House is a watching brief on a new extension built immediately south-east of the 17th century house in 2016. Part of the foundation of the house was observed and finds of mid-17th century to 19th century date recovered, however the results were limited. Archaeological remains, if present on the site, would be non-designated heritage assets under the National Planning Policy Framework.

The submitted plans show that the area immediately around the 20th century buildings has been reduced in level. For this reason, consent 16/00009/FUL for a small extension entirely within this reduced area did not require any archaeological conditions. Consent 19/01948/FUL included archaeological conditions for a watching brief, as the proposal was for a larger extension, to be built onto land that was until recently part of the garden of an adjacent property; plans and aerial photographs showed that this garden had not been reduced in level. It is possible that remains associated with the

buildings shown on 19th century maps may survive in the higher area.

Consent 20/01093/FUL also included archaeological conditions for a watching brief, as although the proposed extension was smaller and largely confined within the reduced level area, construction works for the outer walls of the extension and groundworks for a new landscaped garden would have affected the higher area to the north and west. The proposed extension and access area to the north will impinge on the higher area of ground. In addition, groundworks will be required on the higher area for the new landscaped garden, stairs, paths and escape routes. Development here threatens to damage potential archaeological deposits, and an archaeological investigation will be needed to mitigate this.

- 6.10 **Trees** – No objection, subject to conditions. Arboricultural consultants previously undertook testing of the area under the original application ref: 16/00009/FUL, to determine if roots will be harmed. As this was approved in the past and investigated, I see no reason to offer an objection to the proposal. A new arboricultural survey will need to be commissioned and details given regarding tree protection measures and a method statement. Recommend conditions.
- 6.11 **City of Southampton Society** - We have no objections to the either the Full or the Listed Building Consent application.
- 6.12 **Cllr Keogh** – Objection. This development is too close to the properties of nearby residents. The height of the building will mean it will over look nearby gardens and as a result be overshadowing. The site in my opinion is becoming overdeveloped in the areas close to local residential properties. If the application is to be approved I would request that there are no overlooking windows of adjacent properties. This building will increase the noise that local residents are likely to suffer and in a residential area this should be a consideration.

Officer Response

The proposed extension is to be excavated to sit lower in the ground, so the first floor will appear as single-storey development from neighbouring properties on Peartree Avenue. The separation distance between the proposed extension and the rear elevation of closest neighbour No.18 Peartree Avenue is 23m, exceeding the minimum distance in the Residential Design Guide SPD. The two side-facing windows in the western elevation of the proposed extension are to be obscurely glazed, ensuring no overlooking to neighbouring properties.

7.0 Planning Consideration Key Issues

- 7.1 The key issues for consideration in the determination of this planning application are:
- Design and effect on the character of the listed building and local area;
 - Residential amenity;

- Protected trees; and,
- Parking highways and transport

7.2 Design and effect on character of the Listed Building, its setting and local area.

7.2.1 The main consideration under the application for listed building consent ref: **21/01890/LBC** is the impact of the proposal on the character and significance of the original listed building and its setting, including an assessment of any impact on the historic fabric of the original listed building.

7.2.2 The statutory tests for the proposal, as set out in sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

7.2.3 In accordance with paragraph 189 of the NPPF, an assessment of the significance of the building is set out in the submitted Heritage Statement. The design solution for this proposal includes architectural detailing such as a parapet roof design, string course detailing and rendered finish to the elevations and more traditional window proportions including traditional details such as lintels and cils. This presents a more sympathetic addition to the setting of the host listed building, and a significant improvement in design over the existing utilitarian 1960s structure.

7.2.4 The ridgeline of the new two-storey extension is similar in height to the ridge height of the adjoining dining hall building and would sit below the eave height of the roofscape of the host listed building, given the lowered ground levels. This relationship ensures that the proposed extension remains subservient to the host building. Likewise, it would continue to be visually separated from the main building by the lower height of the intervening development. The proposed addition would not be visible from the main listed building itself and the historic core of the property would remain unaffected.

7.2.5 Given the extent of other modern additions to this property, the proposal is not considered to cause harm to the character of the host Listed Building or its setting. The Historic Environment officer has no objections to the proposal, but has recommended a condition to secure materials to match.

On this basis, in accordance with sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposal would preserve the character of the Listed Building and its setting.

7.2.6 In addition, given that the proposal is relatively modest in scale and would not be visible from surrounding public roads, the proposals are not considered to cause harm to the character of the local area.

7.3 Residential amenity

7.3.1 The proposal is two-storey in height, however it will be sunken into the site thereby reducing its overall height and resulting in the appearance of single-storey development from neighbouring properties on Peartree Avenue. Given the separation distances of approximately 23m to the rear of the closest neighbouring property No.18 Peartree Avenue and 7.5m and 8m between the proposed extension and the common boundaries with No's 18 and 22 Peartree Avenue respectively, the proposal would not result in significant overbearing or overshadowing impacts for either the immediately neighbouring properties or their gardens.

7.3.2 The two side-facing windows in the north-western elevation of the proposed extension (facing the rear elevations and gardens of Peartree Avenue) are to be obscurely glazed, ensuring no overlooking to neighbouring properties. The separation distance between the proposed extension and the rear elevation of closest neighbour No.18 Peartree Avenue is approximately 23m, exceeding our minimum distance given in the Residential Design Guide SPD, with intervening protected trees. The proposed bedroom windows will be oriented north-east, overlooking only the very ends of neighbouring gardens of No's 20-26 Peartree Avenue. Given the oblique angle of view, and the large separation distances, there will be no direct or harmful overlooking to these properties. The extension will be entirely screened from properties on Sholing Road by the host listed building. As such, the proposal is not considered to result in a loss of privacy for neighbouring residents.

7.3.3 The proposal will result in some increase in existing activity levels in this corner of the site as a result of the relocation of existing bed spaces and the introduction of 2 new bed spaces, however this increase in activity is not considered to be significantly greater than the existing activity in this location. Given the above, the impact of both applications is not considered to have an adverse impact on the residential amenity of neighbouring residents and, therefore, satisfies saved Policy SDP1(i).

7.4 Protected Trees

7.4.1 The proposed extension lies close to a group of sycamore trees onsite along the north-western side boundary with No's 16 and 18 Peartree Avenue. These trees are protected by TPO number T2-632 (The Southampton (Peartree House) Tree Preservation Order 2015).

7.4.2 Arboricultural consultants undertook testing of the area under the original 2016 permission for similar extension here in the north-western corner of the site, to determine that the root protection areas of the nearby protected trees will not be harmed. None of the subsequent permissions, nor the current proposal have proposed encroaching any further towards the protected trees than that original permission.

7.4.3 The current applications now propose a replacement two-storey structure with ground excavations, rather than single-storey extensions to the existing 1960s structure, however our Trees Officer is satisfied that a new arboricultural method statement including tree protection measures, along with a condition to ensure there is no storage of chemicals or materials beneath the tree canopies, would be sufficient to ensure these trees remain protected.

7.5 Parking highways and transport

7.5.1 The works mainly provide replacement accommodation with only a net increase of 2 bed spaces overall. The existing site provides at least 20 car parking spaces, which is already in excess of our maximum parking standard of 8 spaces for a nursing home of this size in this location. The additional parking demand generated by a net gain of 2 bed spaces is not considered to be significantly higher than the existing situation.

7.5.2 The proposal would not compromise existing parking, access or visibility for pedestrians or vehicular users and, therefore, highways safety would not be adversely affected.

8. Summary

8.1 In summary, unimplemented consents have been granted previously for similar schemes in this same location of the application site. Whilst it is recognised that the proposed two-storey extension has some different impacts to the previously approved schemes, the impact of the works under both current applications are not considered to adversely affect residential amenity, visual amenity or highways safety. Nor is the proposal considered to cause harm to the character and significance of the host listed building and its setting.

9. Conclusion

9.1 It is recommended that planning permission be granted for application ref: **21/01889/FUL (Planning Permission)** subject to the conditions set out below.

9.2 It is also recommended that listed building consent be granted for associated application ref: **21/01890/LBC (Listed Building Consent)** subject to the further 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) 4. (vv) 6. (a) (b)

Anna Coombes PROW Panel 08.03.2022

21/01889/FUL (Planning Permission) - PLANNING CONDITIONS to include:

01. Full Permission Timing (Performance)

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

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

02. Approved Plans (Performance)

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

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

03. Materials and workmanship to match (Performance)

The materials, joinery, and workmanship (including all types of 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, workmanship and finish of those on the existing admin block and out-rooms.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of preserving the character of the host Listed Building and its setting and 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. 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; pedestrian access and circulations areas, hard surfacing materials, external lighting, structures;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iv. An accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);

- v. details of any proposed boundary treatment, including retaining walls and;
- vi. 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, with the exception of boundary treatment and external lighting which shall be retained as approved for the lifetime of the development.

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

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

05. Arboricultural Method Statement (Pre-Commencement)

No development shall take place until a site specific Arboricultural Method Statement has been first submitted to and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

- (i) A specification for the location and erection of protective fencing around all vegetation to be retained;
- (ii) Specification for the installation of any additional root protection measures;
- (iii) Specification for the removal of any built structures, including hard surfacing, within protective fencing areas;
- (iv) Specification for the construction of hard surfaces where they impinge on tree roots;
- (v) The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
- (vi) An arboriculture management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
- (vii) Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

The Arboricultural Method Statement shall be fully adhered to throughout the course of the development.

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

06. 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.

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

No ground disturbance shall take place within the site until the implementation of a programme of archaeological evaluation/watching brief work has been secured in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority.

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

08. Archaeological evaluation/watching brief work programme (Performance)

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

Reason: To ensure that the full programme of archaeological evaluation/watching investigation is completed (including reporting and deposition of the site archive).

09. Site Levels (Pre-Commencement)

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

10. No Other Windows or Doors (Performance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

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

11. Obscure Glazing (Performance)

All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

12. Hours of work for Demolition / Clearance / Construction (Performance)

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

13. 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.

21/01890/LBC (Listed Building Consent) - PLANNING CONDITIONS to include:

01. Listed Building Consent Timing (Performance)

The Listed Building consent hereby permitted shall begin no later than three years from the date on which this consent is granted.

Reason: To conform to the requirements of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

02. Approved Plans (Performance)

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

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

03. Materials and workmanship to match (Performance)

The materials, joinery, and workmanship (including all types of 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, workmanship and finish of those on the existing admin block and out-rooms.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of preserving the character of the host Listed Building and its setting and the visual amenities of the locality, and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

POLICY CONTEXT

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP12	Landscape and Biodiversity
SDP16	Noise
SDP17	Lighting
HE3	Listed Buildings
HE6	Archaeological Remains

Supplementary Planning Guidance

Residential Design Guide SPD (2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

Relevant Planning History

Case Ref:	Proposal:	Decision:	Date:
1387/P13	Convert to home for 30 elderly residents *Listed building*	Withdrawn	30.01.1970
1465/C1	Extension of Peartree House for use for the purpose of a kitchen and being Stage 1 of the proposals (permitted by the Secretary of State for the Environment).	Conditionally Approved	03.06.1974
1543/CC3	Works of adaptation to Peartree House.	Permitted	05.09.1978
911028/EH	Installation of new doors in porch new window to north elevation and internal alterations.	Consent Given	26.09.1991
960309/EL	General refurbishment in conjunction with continued use as nursing home.	Conditionally Approved	30.05.1996
980823/EL	Internal alterations to infill arched opening between rooms and formation of en suite bathrooms on ground and first floors.	Conditionally Approved	01.10.1998
99/00669/FUL	Construction of a single storey extension to provide 11 bedrooms with ancillary facilities.	Conditionally Approved	11.08.1999
00/00878/FUL	Construction of single storey extension to rear of property to form 11 bedrooms with ancillary facilities.	Conditionally Approved	06.09.2000
01/00668/FUL	Construction of a single storey extension to provide a new therapy room	Conditionally Approved	15.08.2001
01/00669/LBC	Construction of a single storey extension to provide a new therapy room	Conditionally Approved	15.08.2001
01/01030/FUL	Construction of a single storey side extension to form an additional 13 bedrooms	Conditionally Approved	05.11.2001
01/01581/LBC	Construction of a single storey side extension to form an additional 13 bedrooms.	Conditionally Approved	08.02.2002
04/00220/FUL	Single storey extension to day care facilities located to the South East elevation of the building.	Conditionally Approved	20.07.2004
04/00221/LBC	Erection of a single storey addition to extend the existing day room on the South East elevation of the building.	Conditionally Approved	20.07.2004
06/01800/LBC	Resurfacing of driveway.	Withdrawn	13.02.2007
07/01367/FUL	Resurfacing of existing car parking area.	Conditionally Approved	29.10.2007
07/01370/LBC	Listed Building Consent for the resurfacing of existing car park.	Conditionally Approved	29.10.2007

11/01484/LBC	Listed building consent for repairs to external render finish to elevations.	Conditionally Approved	08.11.2011
12/00165/DIS	Application for approval of details reserved by Condition 2 (Paint Details) of listed building consent ref 11/01484/LBC	No Objection	14.03.2012
12/01664/LBC	Listed building consent sought for internal alterations to ground floor including provision of en-suite facilities	Conditionally Approved	07.12.2012
15/00312/FUL	Erection of 2 x single-storey extensions (submitted in conjunction with 15/00367/LBC).	Conditionally Approved	20.04.2015
15/00367/LBC	Listed Building Consent sought for the erection of 2 x single-storey extensions and associated internal alterations (submitted in conjunction with 15/00312/FUL).	Conditionally Approved	20.04.2015
15/01319/DIS	Application for approval of details reserved by conditions 3 (archaeological watching brief investigation), 4 (archaeological watching brief work programme) and 9 (materials) of permission ref 15/00312/FUL for 2 single storey extensions	Split Decision	18.08.2015
15/01347/DIS	Application for approval of details reserved by condition 3 (materials) of listed building consent 15/00367/LBC for 2 single storey extensions	No Objection	17.08.2015
15/01606/FUL	Erection of a single storey extension and infill extension to west facing elevation, with internal alterations (submitted in conjunction with 15/01607/LBC)	Refused	05.10.2015
15/01607/LBC	Listed Building Consent sought for erection of a single storey extension and infill extension to west facing elevation, with internal alterations including removal of partition walls and blocking up of openings (submitted in conjunction with 15/01606/FUL)	Conditionally Approved	05.10.2015
16/00009/FUL	Erection of a single storey extension and infill extension to west facing elevation, with internal alterations (resubmission of 15/01606/FUL)	Conditionally Approved	01.03.2016
19/01948/FUL	Single storey extensions to the north and east of the building (submitted in conjunction with 19/01949/LBC)	Conditionally Approved	15.01.2020
19/01949/LBC	Listed building consent sought for erection of single storey extensions on North and East of building and reconfiguration of internal layout of building (submitted in conjunction with 19/01948/FUL)	Conditionally Approved	15.01.2020
20/01093/FUL	Single storey extension to the north east of the building (submitted in conjunction with	Conditionally Approved	22.10.2020

	20/01094/LBC).		
20/01094/LBC	Listed building consent sought for single storey extension to the north east of the building (submitted in conjunction with 20/01093/FUL).	Conditionally Approved	22.10.2020

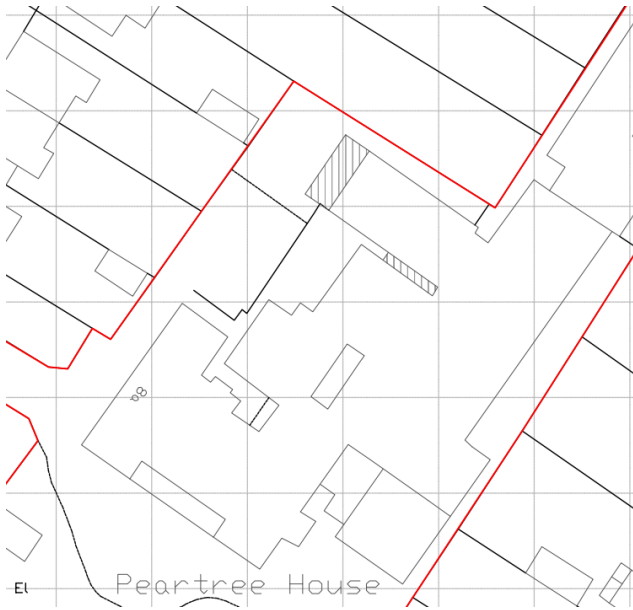
Application 21/01889/FUL & 21/01890/LBC

APPENDIX 3

Comparison of previously approved schemes

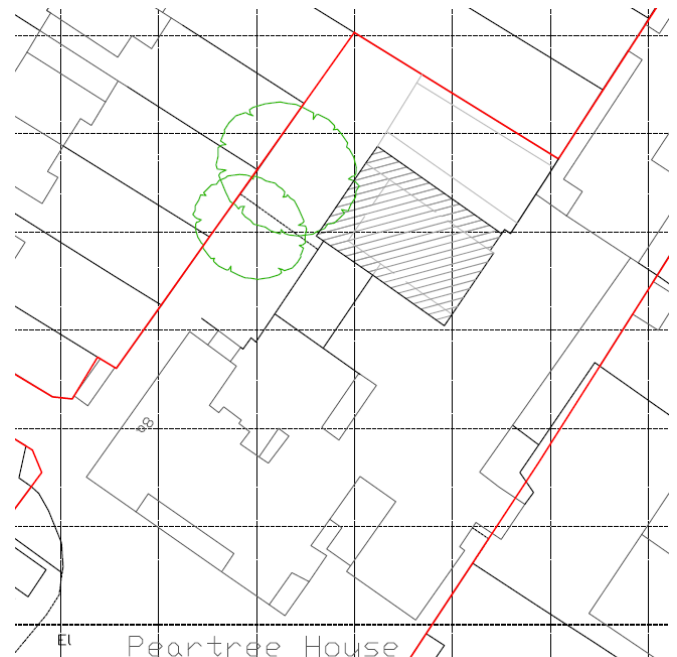
15/01606/FUL (Refused)
15/01607/LBC (Conditionally Approved)
16/00009/FUL (Conditionally Approved)

19/01948/FUL (Conditionally Approved)
19/01949/LBC (Conditionally Approved)



20/01093/FUL (Conditionally Approved)
20/01094/LBC (Conditionally Approved)

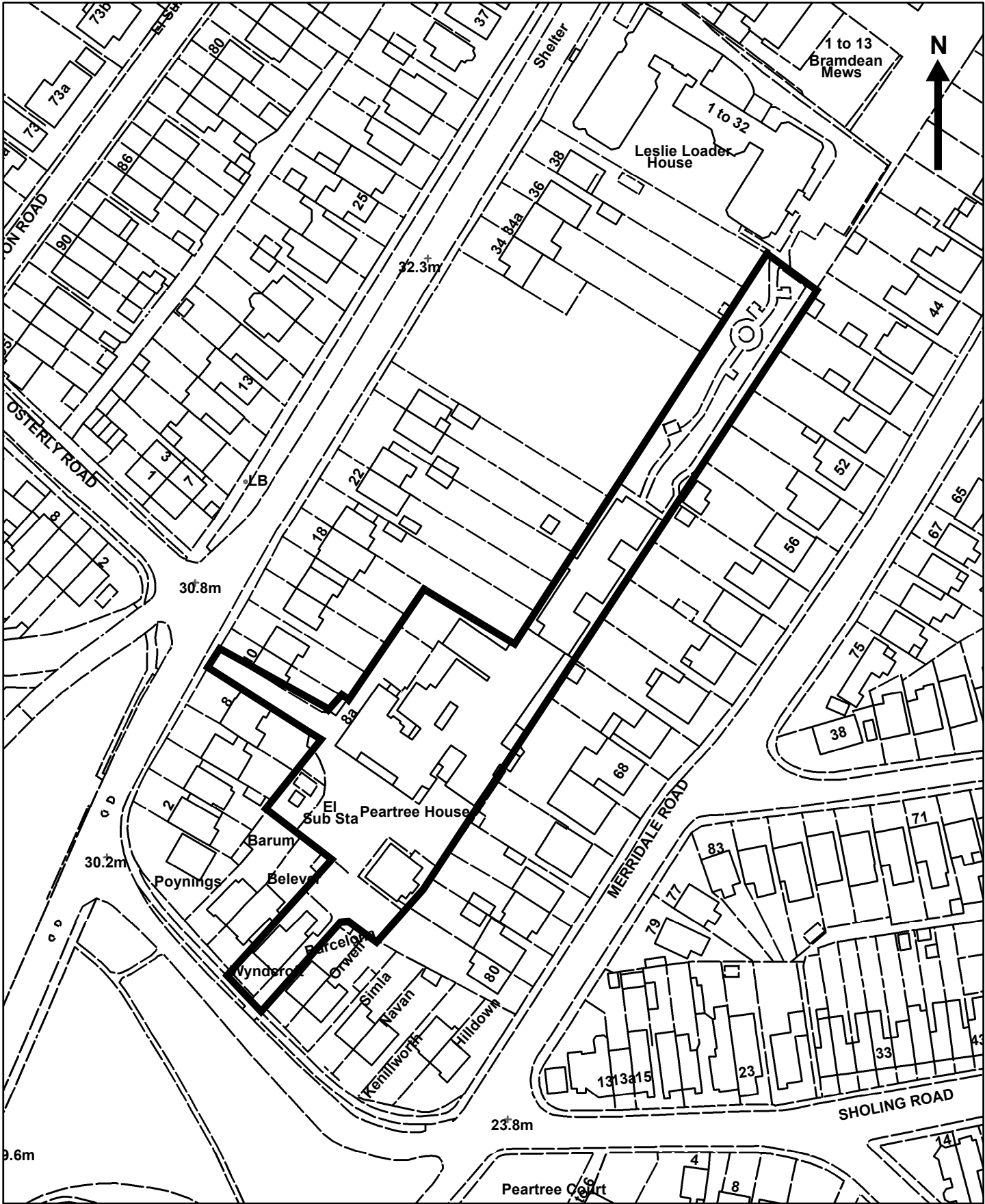
21/01889/FUL Currently proposed
21/01890/LBC Currently proposed



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21/01889/FUL & 21/01890/LBC

Appendix 1



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Planning and Rights of Way Panel 8th March 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 7 Willis Road, Southampton			
Proposed development: Erection of a first-floor rear extension with internal alterations to provide additional living space for flat D and E			
Application number:	21/01711/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	11.01.2022	Ward:	Swaythling
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors:	Cllr Fielker Cllr Bunday Cllr Vassiliou
Referred to Panel by:	Cllr Vassiliou	Reason:	Impact on amenity and over-development
Applicant: Mrs G Kaur		Agent: ACA Design Ltd	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies – CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Refused application no. 20/00672/FUL	4	Appeal decision

Recommendation in Full

Conditionally approve

Background

This planning application seeks to respond to concerns raised to an earlier proposal to extend this block of flats. The previous scheme extended to create 2 additional flats and was refused by the Council and dismissed at appeal. The applicants now seek to offer a reduced extension, and increase the size of 2 existing flats with no net increase in the overall provision.

The site and its context

1.

- 1.1 This application site is 950sqm in area and located on the north side of Willis Road. The area has a suburban residential character with a mix of two storey dwellings in medium to large sized plots. The site is within close walking distance of Swaythling rail station and the Swaythling local centre shopping centre to the south.
- 1.2 The site comprises a large two storey residential property (including rooms in the roof) containing 8 studio bedsits/flats. The property has a side driveway and the frontage has an open boundary and is laid out for off road parking. The property sits in a relatively spacious plot and well-spaced gaps between the neighbouring properties. The period property itself has been variously extended over the years, including roof enlargements.
- 1.3 There is large outbuilding at the rear of the site (approved under permission no. 18/00171/FUL).

2. Proposal

- 2.1 This application seeks permission for the erection of a first-floor rear extension with internal alterations to provide additional living space for flat D and E. This will add 40sqm of living space to studio flat D (59sqm in total) adding living room and bedroom, and would incorporate toilet/wash facilities to make flat E a self-contained studio unit. As a result, there will be no change in the level of occupation or net gain in accommodation of the property.
- 2.2 The proposed first floor extension, with a depth of 4.5m, projects no further beyond the existing ground floor rear element. Following the submission, the applicant has amended the rear extension to add a parapet wall feature to improve the detailing of the flat roof element. The existing second floor rear windows prevents the applicant from pitching up the roof slope above the extension. Given the minor nature of the design changes in relation to the overall scale of the extension, no further public consultation was considered necessary regarding the amended plans.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. **Relevant Planning History**

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

4.2 Preceding this application, in July 2020 officers previously refused application (ref no. 20/00672/FUL) to substantially extend the property to create 2 additional units (**see Appendix 3**) for tree loss, character and amenity reasons given the excessive size of the extension. The refusal was subsequently dismissed at appeal in February 2021 upholding the Council's reasons (**see Appendix 4**).

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 12.06.2020. At the time of writing the report **8 representations** (including 6 letters objections and 2 support) have been received from surrounding residents, including objections from all 3 ward councillors. The following is a summary of the points raised:

Support

5.2 ***Will improve quality of accommodation for existing residents.***

Response

The proposal will provide improved living space and facilities for flat D and E.

5.3 ***The proposed extension is in keeping with the local area, and there are precedents for similar extensions at no. 11 Willis Road.***

Response

Whilst each application is determined on its own individual merits, it is noted there is an existing first floor flat rear extension at neighbouring 11 Willis Road which was approved in 2002 (LPA ref no. 02/00701/FUL).

Against

5.4 ***The off-road parking available is insufficient.***

Response

The parking and traffic demand associated with the development will not change as there is no intensification of use in terms of the number of flats. Flat D is proposed to change from a studio unit to a 1-bed unit but the parking demands would remain the same having regard to the Council's maximum parking standards which treat studio and 1-bed units as the same.

- 5.5 ***The design of the proposed extension will unbalance the proportions and be out of character and with style of host dwelling and local area.***

Response

The design, scale and massing of the proposed extension is not considered out of keeping with the proportions and style of host building. The proposed extension is significantly reduced in size to the previously refused application. The planning application has been amended to revise the roof form to improve the relationship with the host property without compromising the existing rear gable roof detail and outlook from existing rear windows.

- 5.6 ***Loss of outlook, light and privacy to neighbouring occupiers.***

Response

The separation distance between the neighbouring properties is sufficient to ensure the of the proposed extension will not be adversely affect the outlook, light and privacy enjoyed by the neighbouring occupiers. The Inspector previously did not consider that the larger extension (refused) would adversely harm the residential amenity of the neighbouring occupiers. The extension would be located approximately 5m from the side boundary with 9 Willis Road an approximately 7m from the side boundary with 5 Willis Road.

- 5.7 ***Over-development. The rooms are undersized and therefore do not comply with national space standards. The proposed development cannot be improved by adding more unsuitable accommodation. Unable to alter the residential layout where it is uncertain of its lawful use as per the previous refusal.***

Response

The proposal is not considered an overdevelopment because it does not represent an increase in building footprint nor does it increase the number of residential units on site and the change of flat D from studio to 1bed unit would have a comparable occupancy level. The planning history indicates that planning permission was granted in 1969 for use of the building as 6 no. bed sit flats and a self-contained flat.

The proposed resultant 59sqm of floorspace for Flat D would well exceed the national space standards which require 37sqm for a 1 bed flat. The living conditions of the other flats and overall intensity/ are outside the scope of this application for the Council to assess.

- 5.8 ***No ecological survey submitted with the application. No account of impact on bats seen roosting in the neighbouring property and seen flying in the local area.***

Response

An ecology survey is not a requirement for a building extension on a building which is occupied.

- 5.9 ***The applicant has allowed dilapidation to remain in place and seeks to use it as justification for enlargement of the main house.***

Response

This is not a material consideration that will influence the decision of the application.

5.10 ***Impact on the protected tree.***

Response

The first floor extension does not increase the building footprint or encroach into the tree canopy and as such the proposal will have no adverse impact on the protected tree within the neighbouring property at 5 Willis Road.

Consultation Responses

5.11

Consultee	Comments
Cllr Lorna Fielker	<p>The planning application states that the purpose of this plans is to improve the exiting living environment for plants D and E. The proposed plans appear to show a contained one bed flat consisting of bedroom, living and bathroom. There does not appear to be any relationship between the additional and the existing flats D and E. This house has already been converted into a significant development of small units which has placed pressure on the locality with regard to parking and impact on other amenities. Increasing the density of this property further will contribute to a negative impact on the local area.</p> <p><u>Officer Response</u> <i>The extension seeks to enlarge the living accommodation of bedsit flat D and add the toilet/wash facilities to flat E. Flat D is enlarged by providing it with the toilet/wash facilities currently in flat E. Flat E is then enlarged by the accommodation provided by the new first floor extension. The proposed works will have a neutral impact on parking and amenity of the local area as there is no net increase in density, occupation or accommodation of the property.</i></p>
Cllr Matthew Bunday	<p>I would like to raise an objection to this application. I believe that it is overdevelopment as the house is already disproportionately larger than all over houses on the street. It also risks unfairly impacting on the neighbours and other people in the road.</p> <p><u>Officer Response</u> <i>See response above.</i></p>
Cllr Spiros Vassiliou	<p>I would like to object to this proposed application on the basis that it would cause too much overdevelopment as well as be overbearing on neighbouring properties. Should officers be minded to allow this application, I would like to request that it is sent to the Planning Panel for final consideration and determination.</p> <p><u>Officer Response</u> <i>See response above. The size of the rear extension is in keeping with proportions of the host dwelling and is significantly smaller than the refused extension.</i></p>

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;
 - Impact on character and amenity;
 - Parking highways and transport;
- 6.2 Principle of Development
- 6.2.1 The proposed development seeks to extend and improve existing accommodation by adding a first-floor rear extension and, therefore, is acceptable in principle. Unlike the refused application, the applicant is no longer seeking to significantly reconfigure all the flats and add additional flats.
- 6.3 Impact on character and amenity
- 6.3.1 Unlike the previously refused application (no. 20/00672/FUL), the applicant seeks to maintain the same number of flats and only increase the size of studio flat D (still single person occupancy) and add the toilet/wash facilities to flat E. As such, this results in no intensification of use and, therefore, neutrally impacts on the character and amenity of the local area.
- 6.3.2 The Inspector previously found that the refused extension was out of character due to its excessive size and poor design (paragraphs 4 & 5; **see Appendix 4**). In comparison, the proposed rear extension is significantly scaled down in attempting to address these reasons for refusal. It is a storey lower in height as it now slightly projects above the eaves line of the host building. In this instance, the applicant is unable to continue the roof pitch upwards as this would obstruct the existing rear second floor windows. Whilst the flat roof element viewed in conjunction with the mix of different roof forms will have acceptable visual impact on the street scene and views from neighbouring gardens, the amended parapet feature will have a cleaner and smarter detailing further shrouding the flat roof crown element of the proposed extension. Furthermore, the matching materials will blend the extension with the overall appearance and style of host dwelling. With regards to the impact of the scale, massing and appearance, the proposed extension is considered to be subservient in size and respect the style and proportions of the host building within its spacious plot and, therefore, will not be out of keeping with the character of the local area.
- 6.3.3 Secondly, the spacing between the neighbouring plots either side of 7m with 5 Willis Road and 5m with 9 Willis Road will maintain adequate access to outlook and light for the neighbouring properties. The neighbouring gardens lie to the east and west of the proposed extension and, therefore, shadow cast by the first floor extension, in addition to the existing building will not significantly disrupt access to sunlight or overshadow the neighbouring gardens for the majority of the day. With regards to additional overlooking, the privacy of the neighbouring residents will not be adversely affected due to the 30m back to back separation distance with the properties on Bassett Green Road is above the minimum 21m (paragraph 2.2.4 of the Residential Design Guide). Furthermore, angles of overlooking of the neighbouring gardens will be oblique. It should be noted that the Inspector previously did not find that the refused extension caused any adverse harm to the neighbouring occupiers.
- 6.3.4 With regards to the internal changes, the living conditions of flat D and E will be significantly improved.

6.3.5 As such, the proposed development will not adversely affect the character and residential amenity of the area.

6.4 Parking highways and transport

6.4.1 The proposed development will not add to existing parking demands because it does not create any additional residential units and the parking demands of a 1-bed and studio unit are assessed as having comparable occupancy levels. The proposal does not seek to change the existing parking arrangements and as such the scheme will have a negligible impact on existing on-street car parking demands and will have no adverse impact on highway safety.

7. Summary

7.1 In summary, the proposed first-floor extension represents a modest addition to the host property and would be in keeping with the character and appearance of the of the area and would not be harmful to the residential amenities of neighbouring occupiers. The proposal is a materially different scheme to that previously dismissed on appeal by reason of a smaller extension, and because the proposal seeks to extend and improve existing flats rather than providing a net addition.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) 4.(f) (vv) 6. (a) (b) 7. (a)

Stuart Brooks for PROW Panel 08.03.22

PLANNING CONDITIONS

1. Full Permission Timing (Performance)

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

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

2. Materials to match (Performance)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the extension 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.

3. Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development

hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

4. Internal Changes (Performance)

Prior to the first occupation of the approved extension, the toilet and shower facilities of flat E and the internal opening between the extension and flat D shall be provided in accordance with the approved plans and shall thereafter be retained for lifetime of the development.

Reason: To define the consent for the avoidance of doubt and to ensure the extension is physically linked to the existing flat to avoid creating a self-contained unit.

5. Obscure Glazing (Performance)

The first-floor bedroom window in the side west elevation of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

6. Approved Plans (Performance)

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

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

Application 21/01711/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

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

SDP1 Quality of Development

SDP5 Parking

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

H7 The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

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Agenda Item 7

Appendix 2

Application 21/01711/FUL

APPENDIX 2

Relevant Planning History

Case Ref	Proposal	Decision	Date
1373/47	Convert to bed sits & flats	Conditionally Approved	20.06.1969
860997/M	Redev : 16 elderly persons flats – Outline	Application Refused	26.11.1986
940373/W	ERECTION OF A SINGLE STOREY REAR EXTENSION	Conditionally Approved	25.05.1994
03/01312/OUT	Outline application for the erection of a three storey block of self contained flats.	Application Refused	28.10.2003
04/01285/OUT	Outline application for the means of access and siting of a three storey block of 12 no. self-contained flats (resubmission).	Application Refused	01.11.2004
17/00083/FUL	Construction of a single storey garage, car port and cycle store to the rear of the property following demolition of the existing garage.	Application Refused	20.04.2017
18/00171/FUL	Construction of a single storey garage, car port and cycle store to the rear of the property following demolition of the existing garage. (Resubmission of 17/00083/FUL).	Conditionally Approved	01.05.2018
20/00672/FUL	Erection of a single storey side, two storey rear extensions, alterations to existing roof and creation of two additional units (including accommodation within the roof space).	Application Refused	22.07.2020
20/00054/APFUL	Appeal against 20/00672/FUL	Dismissed	19.02.2021

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

ACA Design Ltd
Mr Amrik Chahal
9 Woodside Avenue
Eastleigh
SO50 9ES
United Kingdom

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: **Erection of a single storey side, two storey rear extensions, alterations to existing roof and creation of two additional units (including accommodation within the roof space).**

Site Address: **7 Willis Road, Southampton, SO16 2NS**

Application No: **20/00672/FUL**

For the following reason(s):

01.Out of Character

The mass and bulk of the proposed first and second floor extensions in terms of their rearward projection and height (to eaves and ridge line) would over-dominate the character and proportions of the host property. Furthermore, the roof extension would appear disproportionate and top heavy to the appearance of the main roof. As such, the proposal would adversely affect the character and appearance of the local area and therefore would be contrary to saved policies SDP1, SDP7, SDP9 of the Local Plan Review (March 2015 amended) and CS13 of the Core Strategy (March 2015 amended) as supported by the relevant design guidance set out in section 2 of the Residential Design Guide Supplementary Planning Document (September 2006).

02.Impact on protected trees

Notwithstanding the assessment made by the supporting Arboricultural Statement, the additional footprint size of the proposed development, due to the foundations, would appear to encroach into the root protection area of the adjacent protected Yew tree. The introduction of a extension towards the canopy of the protected tree is likely to result in a necessity to prune the canopy in the short term future to provide adequate clearance or due to tree debris falling into the guttering. The proposal on the western aspect of the host building cannot therefore be supported due to the potential harm to the protected tree and, therefore, would be contrary to saved policy SDP1, SDP7 and SDP12 of the Local Plan Review (March 2015 amended) and CS13 of the Core Strategy 2015 as supported by the design guidance set out in section 4.7 of the Residential Design Guide SPD (September 2006).

03.Poor living conditions

A number of the proposed studio flats fall significantly under the guideline of the minimum floor area as set out the the national described floor space standards (dated March 2015) . Notwithstanding that the quality of the accommodation in part is being improved by providing self contained wash and toilet facilities, the small and tight size of the flats are not characteristic of the type of accommodation found this suburban location. The small cramped nature of these units are considered to create inadequate living conditions to the detriment of the future occupants. Furthermore, limited weight should be given to the quality of the existing accommodation due to the uncertainty of the lawfulness of the residential units. As such, the proposal is

considered to be contrary to saved policy SDP1(i) and H7 of the Local Plan Review (March 2015 amended) as the development would fail to provide high standard of residential design nor a good standard of amenity for the future occupants and section 2 of the Residential Design Guide (2006).

04. Insufficient parking

Notwithstanding that the parking on the frontage already exists, these spaces should not be counted to the overall off-road parking provision given the harm to the character of the street scene from the car dominated appearance of the frontage and the potential for poor visibility of parked vehicles sandwiched together. 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. The development would, therefore, be contrary to the provisions of Policy SDP1(i), SDP7 of the City of Southampton Local Plan Review (2015), Policy CS13, CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011) and the relevant design guidance set out in section 5 of the Residential Design Guide SPD (September 2006).

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.

05. 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.



Paul Barton
Interim Head of Planning & Economic Development

22 July 2020

For any further enquiries please contact:
Stuart Brooks

PLANS AND INFORMATION CONSIDERED

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings:

Drawing No:	Version:	Description:	Date Received:	Status:
2019/03		Proposed Plans	27.05.2020	Refused

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of under Section 78 of the Town and Country Planning Act 1990.

1. Appeals **must be registered within six months of the date of this notice** and be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
2. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
3. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
4. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)
5. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
8. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to:
Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, Southampton, SO14 7LY



SOUTH ELEVATION



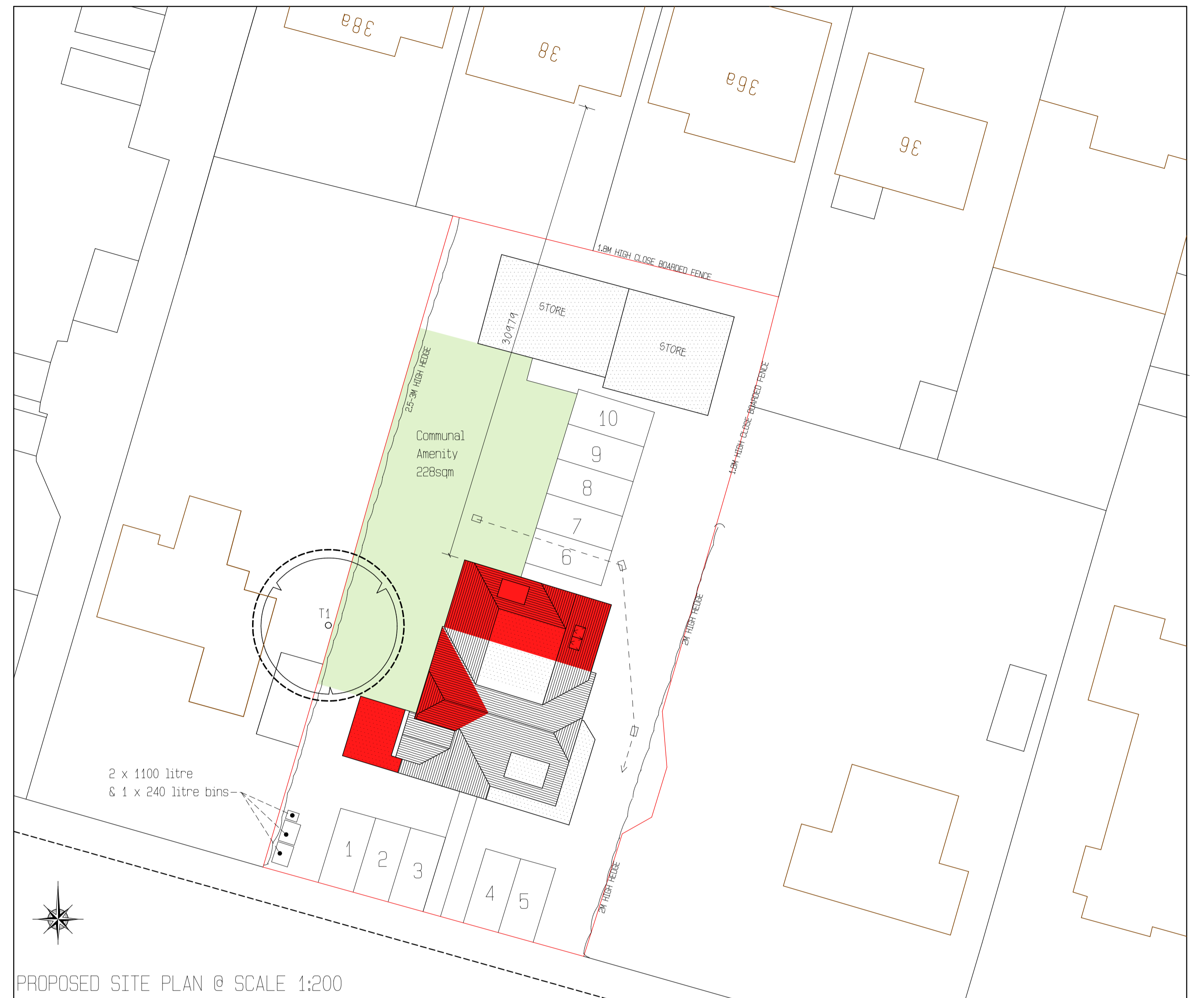
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



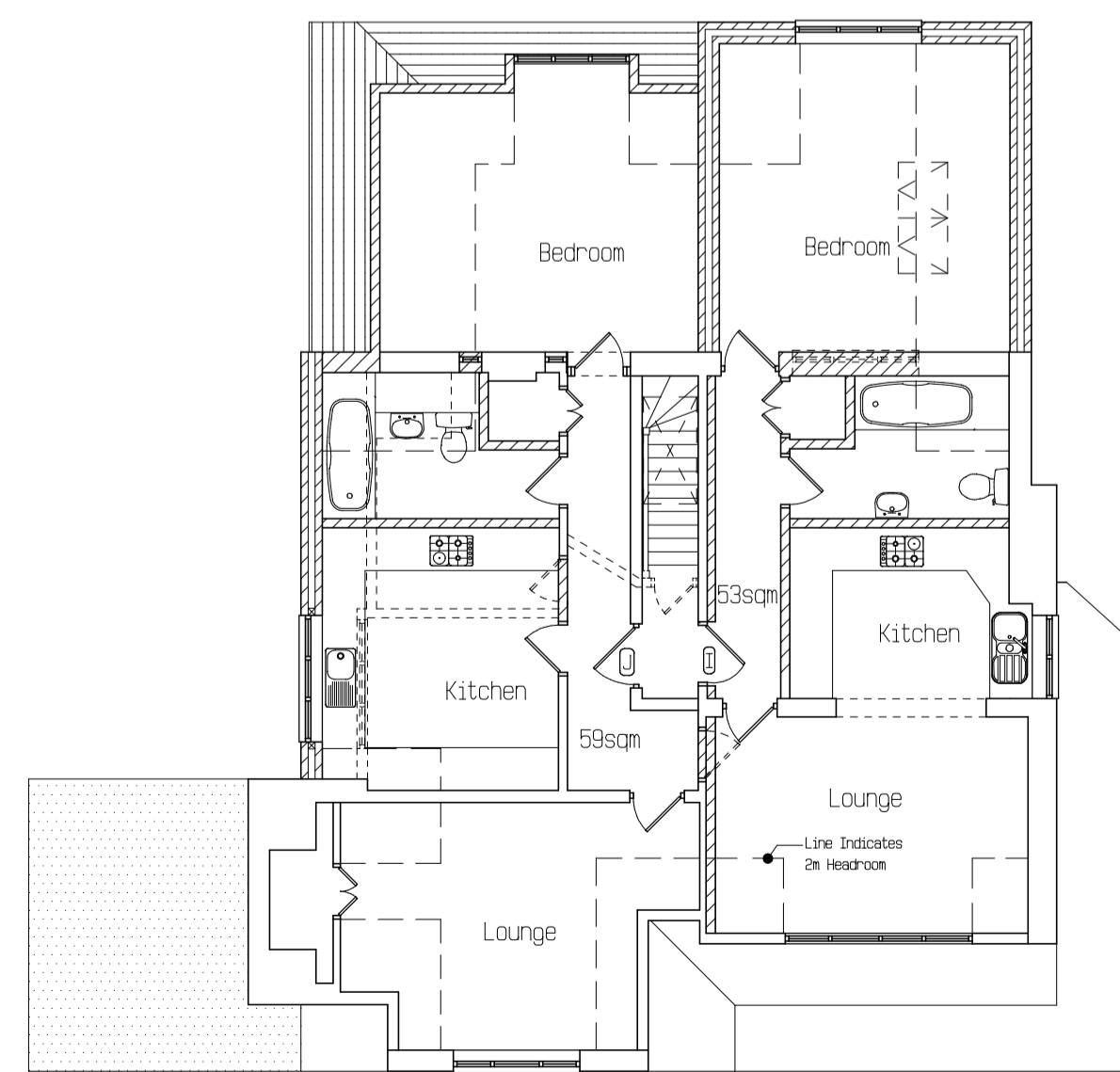
PROPOSED SITE PLAN @ SCALE 1:200



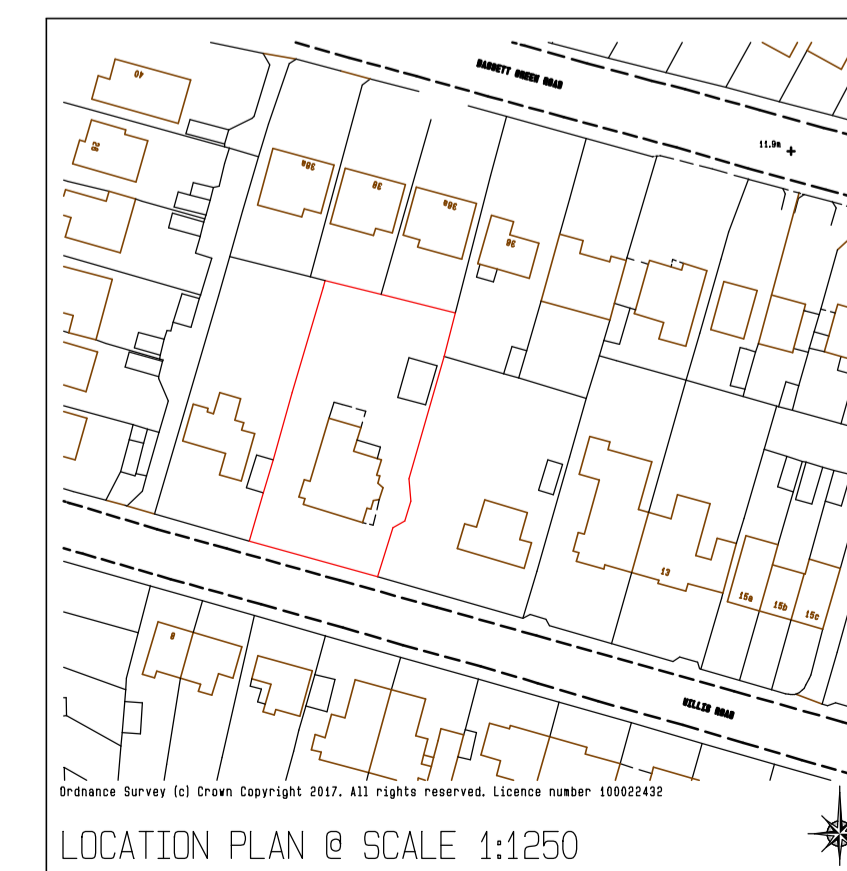
GROUND FLOOR PLAN



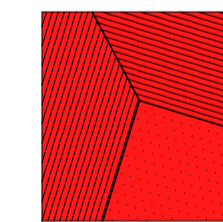
FIRST FLOOR PLAN



SECOND FLOOR PLAN



LOCATION PLAN @ SCALE 1:1250



PROPOSED EXTENSIONS

ACA ARCHITECTURAL DESIGN
 9 WOODSIDE AVENUE
 EASTLEIGH
 SO50 9ES
 Tel: 07817616023 or Email: acadesign@gmail.com

Client
 Mrs G. Kaur

Project Title
 7 Willis Road, Swaythling
 Southampton, SO16 2NS

Drawing Title
 Proposed Plans And Elevations

Scale
 1:100 & 1:200 On A1 Paper

Drawn By
 AC

0 1m 2m 3m 4m 5m

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Drawing No.
 2019/03

Rev.

Appeal Decision

Site visit made on 6 January 2021

by **S Edwards MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/D1780/W/20/3261090

7 Willis Road, Southampton SO16 2NS

- 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 Mrs G Kaur against the decision of Southampton City Council.
 - The application Ref 20/00672/FUL, dated 14 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is construction of single storey side, two storey rear extensions, alterations to existing roof and creation of two additional units (including accommodation within the roof space).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on protected trees;
 - Whether the proposal would provide satisfactory living conditions for future occupiers of the development; and
 - Whether the proposed car parking provision would be sufficient.

Reasons

Character and appearance

3. No 7 Willis Road forms part of an established residential area which includes different types of dwellings varying in size and design. Nevertheless, the properties, being typically set back from the road behind small front gardens, share a similar front building line, which gives the locality a pleasant suburban feel. The appeal site comprises a large two-storey detached building with additional accommodation within the roofspace and a sizable single storey outbuilding to the rear, set within a relatively spacious plot. The main building, which has a somewhat rundown appearance, has previously been subject to various alterations and extensions, and is currently subdivided into a number of residential units. The vast expanses of hardstanding, particularly to the front and rear of the site, provide a poor setting to this period property.
4. The proposed additions would increase the size of this already large property significantly and appear excessive within the context of this suburban street,

where buildings of a domestic scale prevail. This would also be exemplified by the bulky roof form of the development, which would include an extensive flat roof element, giving the building a top heavy and incongruous appearance. Furthermore, the design of the proposal would fail to reflect the original proportions, detailing and cues which characterise this historic property.

5. Although it is accepted that the proposed addition to the rear would not be widely visible within the street scene, it would still be highly noticeable from neighbouring properties. As a result of the proposal, the appeal building would, by reason of its excessive size and poor design, have a harmful effect on the character and appearance of the locality. The harm caused by the appeal scheme would be exacerbated by the lack of any form of landscaping to address the negative visual impact resulting from the extensive parking area along the site's frontage or provide some screening for the refuse storage area.
6. For the foregoing reasons, the proposed development would have a detrimental effect on the character and appearance of the area. It would therefore conflict with Saved Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (LP), Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (CS) and Section 2 of the Council's Residential Design Guide. These notably seek to ensure that development proposals causing material harm to the character and/or appearance of an area are not permitted.

Protected tree

7. The proposed single storey side extension would be constructed within proximity to a Yew tree protected by a Tree Preservation Order¹ (T1), which is situated in the adjacent garden of no 5 Willis Road. The tree, with its substantial canopy extending over the boundary shared with the appeal site, makes an important and positive contribution to the visual amenity of the locality.
8. The appellant's submissions are supported by an Arboricultural Survey Implications Assessment & Arboricultural Method Statement² (the Tree Report) as well as a Tree Constraints Plan³ and Tree Protection Plan⁴. The Council is concerned that the suggested Root Protection Area (RPA) does not take existing structures into account. As a result, it is more likely that the rooting system of the protected tree extends in fact further into the appeal site.
9. Whilst RPAs may be theoretical, a precautionary approach should be adopted in such circumstances, particularly as damage to the roots could harmfully affect the amenity value and lifespan of the tree. Although this approach would be consistent with the advice contained within BS5837:2012, this does not appear to have been appropriately reflected within the appellant's submissions.
10. There is insufficient evidence to enable me to ascertain whether the RPA as calculated by the appellant is correct and, if not, what size it should be. Should the rooting system of the Yew tree extend further into the appeal site than what is shown on the Tree Constraints Plan and Tree Protection Plan, the proposed extension could potentially be constructed within the RPA of this

¹ TPO no. T2-442.

² RMTTree Consultancy Ltd, Ref: RMT443.

³ Drawing No. RMT443-TCP.

⁴ Drawing No. RMT443-TPP.

protected tree. Having regard to the available information, there is no certainty that a condition requiring protection measures for the tree would be sufficient.

11. Although some tree works have been recently approved, it is of note that the extent of the works considered necessary to facilitate the development and provide sufficient clearance above ground level have been rejected by the Council. This adds to my concerns in respect of the Yew tree, as the appeal scheme would bring the extended building closer to its canopy and would in all likelihood subject the protected specimen to additional pressure for repetitive pruning works, which could adversely affect the health of the tree.
12. In the absence of sufficient information to the contrary, I am unable to conclude that the proposal could be accommodated without causing unacceptable harm to the long term longevity and wellbeing of the protected tree. Accordingly, the proposal would not accord with LP Saved Policies SDP1 (i), SDP7 and SPD12, CS Policy CS13, and Section 4.7 of the Council's Residential Design Guide SPD. These notably seek to ensure that development proposals are compatible with existing landscape features which contribute to the quality of the local environment.

Living conditions

13. The existing plans show that the appeal premises are subdivided into multiple residential units, including several self-contained flats and a number of units sharing some facilities, although it is unclear whether the present arrangement is lawful. The appeal scheme would result in the creation of two additional flats, and the living accommodation would be slightly improved, as all units would notably benefit from individual bathroom facilities.
14. However, many of the proposed flats would fall significantly short of the Government's Technical housing standards – nationally described space standard⁵. Whilst they have not been formally adopted by the Council, these national standards reflect the Government's aspirations in favour of high quality design. Such objectives are found in the Council's own policies to impact positively on the health, safety and amenity of the city of Southampton and its citizens. For these reasons, I have taken the nationally described space standard into account.
15. The size and configuration of the flats is an important consideration to assess the liveability of the proposed units and establish whether a good standard of accommodation would be provided to meet the basic living requirements of future occupiers. Whilst units providing shared kitchen, living and sleeping areas may not be unusual, I am unconvinced that adequate space would be available to meet the basic living requirements of future occupiers. By reason of the constrained sizes of units B, C, E and F in particular, the appeal scheme would create an unacceptably cramped standard of accommodation.
16. The appellant argues that the proposal would improve the existing standard of accommodation on the appeal site, and make a contribution towards housing supply and choice, albeit limited. However, the shortcomings of the premises do not, in my view, provide justification for a development which would provide a living environment of poor quality for future occupiers. Accordingly, the appeal scheme would conflict with LP Saved Policies SDP1(i) and H7, but also

⁵ Published March 2015.

Section 2 of the Council's Residential Design Guide which, amongst other things, seek to ensure that residential developments are provided with the highest standards of quality and design.

Car parking provision

17. As per the Council's Parking Standards Supplementary Planning Document (SPD), the appeal scheme would require the provision of a maximum of 10 car parking spaces. Concerns have been raised by the Council regarding the accessibility and size of the area for the provision of parking to the front of the site.
18. However, the appellant's submissions confirm that the kerb along the site's frontage has been dropped, which is consistent with my own observations. Furthermore, there appears to be sufficient space to the front of the site to ensure that vehicles do not encroach onto the highway, and no concerns have been expressed regarding the usability of the parking bays to the rear of the appeal building.
19. The provision of 10 car parking spaces, as shown on the proposed plans, would clearly accord with the Council's parking standards, and there are no reasons for me to conclude that the bays could not be used in a safe manner. Suitably worded conditions could be imposed to ensure that the provision of parking bays would meet appropriate standards. It is also of note that the proposal includes the provision of cycle parking, thus encouraging alternative modes of transport to the private car.
20. I appreciate the concerns raised by a number of interested parties regarding the existing car parking pressure in the area. However, on the basis that the demand generated by the proposal would be provided on site in a safe manner, there are no reasons why additional demand would be displaced on street, and I therefore see no justification for insisting that the appellant carries out a parking survey.
21. The level of car parking provided as part of the development would be adequate and would not unacceptably affect the amenity of local residents. Accordingly, I find no conflict with LP Saved Policies SDP1(i) and SDP7, CS Policies CS13 and CS19, the Council's Parking Standard SPD and Section 5 of the Residential Design Guide. These notably seek to ensure that development proposals have regard to the Council's maximum car parking and minimum cycle parking standards.

Other Matters

22. The appeal site lies within proximity to the Solent and New Forest Special Protection Areas, which are also designated as Special Areas of Conservation and Ramsar sites. These areas are recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for supporting significant numbers of overwintering bird species.
23. It is agreed by the main parties that the appeal scheme would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided. As detailed within the Solent Recreation Mitigation Strategy (SRMS), residential development proposals are required to make a financial contribution towards mitigation

measures, which are normally secured through the completion of a planning obligation. A Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted during the course of the appeal, in order to secure financial contributions towards the SRMS.

24. Concerns have also been raised by the Council regarding the high levels of nitrogen and phosphorous entering the Solent catchment, which may stem from increased waste water from new residential development. This could also have a likely significant effect on the integrity of the protected sites.
25. As I am dismissing this appeal on other substantive grounds, these are not matters which need to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

26. The proposed development would contribute towards housing supply and choice within a sustainable location, but this is outweighed by the harm which I have identified. For the reasons detailed above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

S Edwards

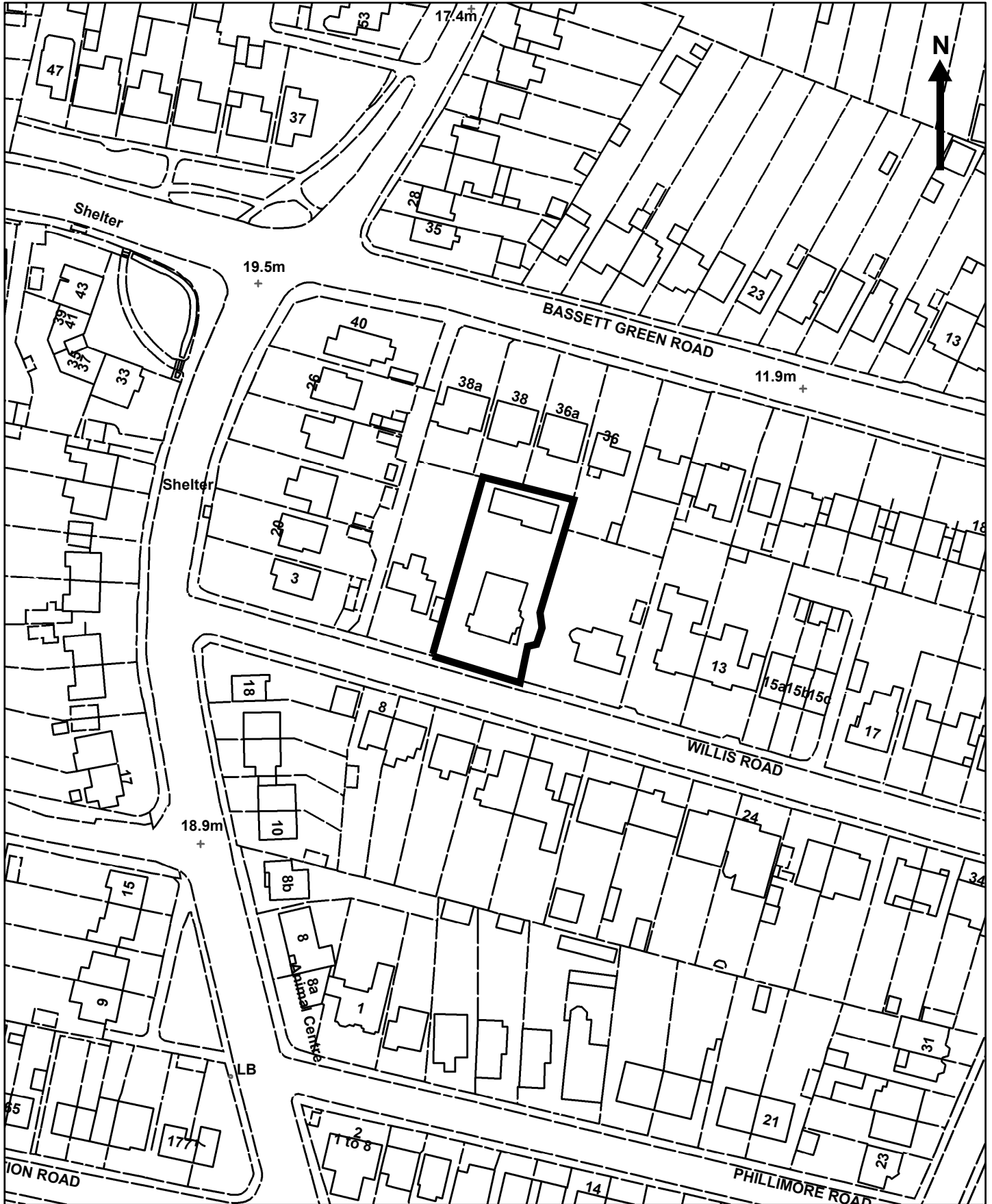
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Agenda Item 7

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Appendix 5



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