

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 25th November 2014
 Planning Application Report of the Planning and Development Manager**

Application address: 34 Blenheim Gardens SO17 3RQ			
Proposed development: Erection of a detached, two-storey, three bed dwelling with associated cycle and bin storage and parking, with access from Merton Road			
Application number	14/01505/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	31.10.2014	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr O'Neill Cllr Claisse Cllr Norris

Applicant: Mr and Mrs Benning	Agent: Sanders Design Services Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed family dwelling on residential garden land which addresses the street frontage of Merton Road, is not considered to materially harm the amenity, character and highway safety of the local area, whilst contributing a suitable family dwelling to towards meeting the City's housing need. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application and, where applicable, conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP6, SDP7, SDP9, SDP10, H2, H7, of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS15, CS16, CS19, CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement or a S111 agreement to secure:

i. A financial contribution of £172 per new residential unit to fund a mitigation scheme known as the Solent Disturbance Mitigation Project (SDMP).

2. In the event that the legal agreement is not completed within three months of the resolution to grant, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 or Section 111 Legal Agreement.

1.0 The site and its context

1.1 This application site is located within the Portswood ward. The immediate street is mainly characterised by two storey semi-detached dwellings, which are uniformly spaced in a similar style, with the exception of the recently built detached property of 2a Merton Road.

1.2 The site itself consists of a portion of the rear gardens of 34 and 36 Blenheim Gardens and the existing large garage adjacent to the boundary of 1 Merton Road, with existing vehicular access.

2.0 Proposal

2.1 It is proposed to erect a two storey detached (class C3 family dwelling only) with three bedrooms. There is provision for two off street parking spaces, and associated cycle and bin storage to the rear.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 Saved policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the City and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character

and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.

- 3.4 Policy CS5 acknowledges that there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land. However, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.5 Policy CS4 acknowledges that new homes will generally need to be built at a higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council's strategic target for housing supply. The opportunity to provide three bedroom or more family dwelling to meet the City's need is a material consideration which should be given due consideration when balancing all the other material considerations.

4.0 Relevant Planning History

- 4.1 Both properties 34 and 36 Blenheim Gardens have been extended in the past and are occupied as HMOs. The applicant has recently entered into pre-application discussions with Officer's, whereby the scheme in its current form was negotiated. The design of the scheme is heavily influenced by the recently built dwelling at 2a Merton Road which lies opposite the site to the rear of 32 and 30 Blenheim Gardens (planning ref no. 09/01186/FUL), where its footprint is shown on the proposed block plan.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (19.09.14). At the time of writing the report 9 representations have been received from surrounding residents. The following is a summary of the valid material considerations raised:

- 5.1.2 **Over-intensification and overdevelopment to detriment of local character and amenity. Garden grabbing which is contrary government guidance. The destruction of gardens negatively affects the local environment. The Council should address the number of empty homes out of use to meet housing demand instead.**

Response

There is no policy presumption against developing residential gardens, whereby applications are assessed on their individual merits according to the context and character of the local area. The subdivision of the rear gardens will create a developable plot. This is adequate in size to provide the required amenities for the new dwelling and will provide decent family housing to meet the City's need without detrimentally affecting the character and amenity of the local area. Residential gardens are being developed in this instance, however, the new dwelling creates a street frontage with Merton Road as opposed to an uncharacteristic backland development.

- 5.1.3 **Compound existing high volumes of on street parking. Extra traffic on the**

proposed busy road junction will be dangerous

Response

The Highway Officer has raised no concern with regards to the impact on parking demand and highway safety.

5.1.4 Visually out of keeping with appearance of the street

Response

The new dwelling would be very similar in appearance and size to the detached dwelling recently built at 2a Merton Road to the rear of 30 and 32 Blenheim Gardens and, therefore, not out of character.

5.1.5 Adverse impact on drainage due to hardsurfacing of gardens. Pressure on waste water systems leading to road subsidence in Blenheim Gardens

Response

The physical development will cover a proportion of the existing garage and hardstanding which fronts the street. A large proportion of the existing garden land will be retained which will provide surface water drainage. The development must comply with Code for Sustainable Homes and Building Regulations which requires surface water drainage to be managed. The applicant will need to apply for separate permission to Southern Water to connect to the public sewerage system.

5.1.6 Will be turned into a HMO adding to high concentration imbalancing the community further and negatively affecting local character and amenity, especially as the Council has cut down on resources and essential services to tackle these problems. There is sufficient purpose built accommodation to negate the need for further student housing

Response

Planning permission is sought for a class C3 family dwelling. A separate planning application must be applied for to convert the property into a C4 HMO.

5.1.7 Loss of garden space at 34 and 36 Blenheim. Reduction in size will make it unlikely that the existing HMOs Gardens will be reverted back into family dwellings

Response

The length of the remaining gardens of the existing properties will be well in excess of the Council's minimum standards for a semi-detached family dwelling.

Consultation Responses

5.2 SCC Highways – No objection.

5.4 SCC Sustainability Team – No objection.

5.8 SCC Environmental Health (Contaminated Land) – No objection.

6.0 Planning Consideration Key Issues

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

- Principle of Development
- Design, scale, and character
- Living conditions of existing and future occupiers
- Highway safety

6.2 Principle of Development

6.2.1 The NPPF does not classify residential gardens as previously developed land, and requires the Council to set its own policies to resist inappropriate development to rear gardens where harm is caused to the character of the local area (para 53 refers). The Council does not have a policy which resists backland development and therefore the site should be assessed on the basis of the context and character of the local area. This application purely seeks permission for a C3 family dwelling and not a C4 HMO.

6.3 Design, scale, and character

6.3.1 It is considered that scale, massing and siting of the proposed dwelling within its plot is proportionate to the surrounding dwellings, with sufficient spacing between the neighbouring properties. This ensures that the dwelling does not appear cramped within the street scene and the spatial character of the local area is respected. The new dwelling mirrors the style of the recently built dwelling lying opposite at 2a Merton Road, whilst the dwelling fronts the street to avoid an uncharacteristic backland form of development.

6.4. Living conditions of existing and future occupiers

6.4.1 There is sufficient spacing between the existing properties and the new dwelling to ensure that there is no harm to the amenity of neighbouring occupiers. Furthermore, the side windows affected at 1 Merton Road include a non-habitable room (bathroom) at first floor and secondary bedroom window, and a secondary habitable room window at ground floor. As such, the massing adjacent to the common boundary with the neighbouring property will not adversely harm the outlook and light of the existing occupiers.

6.4.2 The quality of the residential environment of the new dwelling is considered to meet the Council's residential standards.

6.5 Highway safety

6.5.1 The proposed dwelling will provide two off street parking spaces in accordance with the Council's maximum parking standards, whilst there already is an existing dropped kerb in the front the existing garage. Merton Road and the surrounding Roads are mainly controlled by permit parking (two hour limited parking except permit holders - 0800 to 1800 Monday to Friday), with small areas of unrestricted parking at either end of Merton Road. The Highway Officer has raised no concerns with the regards to impact on highway safety and pressure on street parking demand. Amendments have been made to the site plan to provide the visibility sightlines required for the safe access by removing a section of the rear

garden of 34 Blenheim Gardens.

6.6 Other matters

- 6.6.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 Summary

- 7.1 In summary, the proposed family dwelling on residential garden land which addresses the street frontage of Merton Road is not considered to materially harm the amenity, character and highway safety of the local area, whilst contributing a suitable family dwelling to towards meeting the City's housing need.

8.0 Conclusion

- 8.1 In conclusion, this application will have an acceptable impact and therefore can be recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a), 9 (a) and (b)

SB for 25/11/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not 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. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

REASON:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

03. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the dwelling.

REASON:

To ensure the provision of adequate amenity space in association with the approved flats.

04. APPROVAL CONDITION - Parking [Pre-Occupation Condition]

The development to which this consent relates shall not be occupied in full or in part until space has been laid out within the site in accordance with the approved plans for 2 vehicles to be parked and thereafter retained.

REASON:

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

05. APPROVAL CONDITION - Sightlines

The pedestrian sightlines as shown on drawing number bbg sht 2 revision A prior to the first occupation of the dwelling hereby approved and thereafter retained. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected adjacent to the back edge of the pavement above a height of 0.6m above carriageway level.

REASON:

In the interests of highway safety.

06. APPROVAL CONDITION - Means of enclosure [Pre-Occupation Condition]

The means of enclosure including boundary treatment of the site hereby approved shall be erected prior to the occupation of the dwelling hereby approved and such means of enclosure shall thereafter be retained and maintained to the boundaries of the site.

REASON:

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

07. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Prior to the first occupation of the use hereby approved, the details of facilities for the storage, removal and recycling of refuse from the flats with a level approach shall be provided in accordance with the approved plans and, thereafter, such facilities shall be permanently maintained and retained for that purpose. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

REASON:

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

08. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been provided in accordance with the approved plans. The cycle store hereby approved shall thereafter be retained on site for those purposes.

REASON:

To encourage cycling as an alternative form of transport.

09. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class E (outbuildings),

REASON:

In order that the Local Planning Authority may exercise further control in this locality in the interests of the comprehensive development and visual and amenities of the area and residential amenity of neighbouring occupiers.

10. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance condition]

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

REASON:

In the interests of highway safety.

11. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

REASON:

To avoid undue congestion on the site and consequent obstruction to access.

12. APPROVAL CONDITION - 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 hours to 18:00 hours (8.00am to 6.00pm)

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

And at no time on Sundays and recognised public holidays.

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

REASON:

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

13. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

14. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

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

15. APPROVAL CONDITION - Landscaping [Pre-occupation Condition]

Notwithstanding the submitted details before the occupation of development hereby approved a detailed hard and soft landscaping scheme and implementation timetable shall be submitted, which includes hard surfacing materials; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; a landscape management scheme.

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.

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.

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

16. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement and Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;

historical and current sources of land contamination
results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and
receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.
Any changes to these agreed elements require the express consent of the local planning authority.

REASON:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

17. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

REASON:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

18. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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.

Any changes to the agreed remediation actions will require the express written consent of 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.

19. APPROVAL CONDITION - 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.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

Note to Applicant – Conversion to a HMO

Please note that planning permission is required to change the use of dwelling if you are intending to occupy the property as C4 HMO, whereby a separate planning application for change of use would need to be submitted to the LPA. In this instance, please contact the planning department for further advice.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS19	Car and Cycle parking
CS20	Sustainability

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP12	Landscaping
H1	Housing supply
H2	Previously developed land
H7	Residential environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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

Relevant Planning History

12/00105/FUL - Construction of two storey side extension comprising enlarged/additional bedroom accommodation with open car park beneath and single storey rear extension - REF

12/00822/FUL - Erection of a part 2-storey, part single storey side/rear extension (resubmission 12/00105/FUL) - CAP

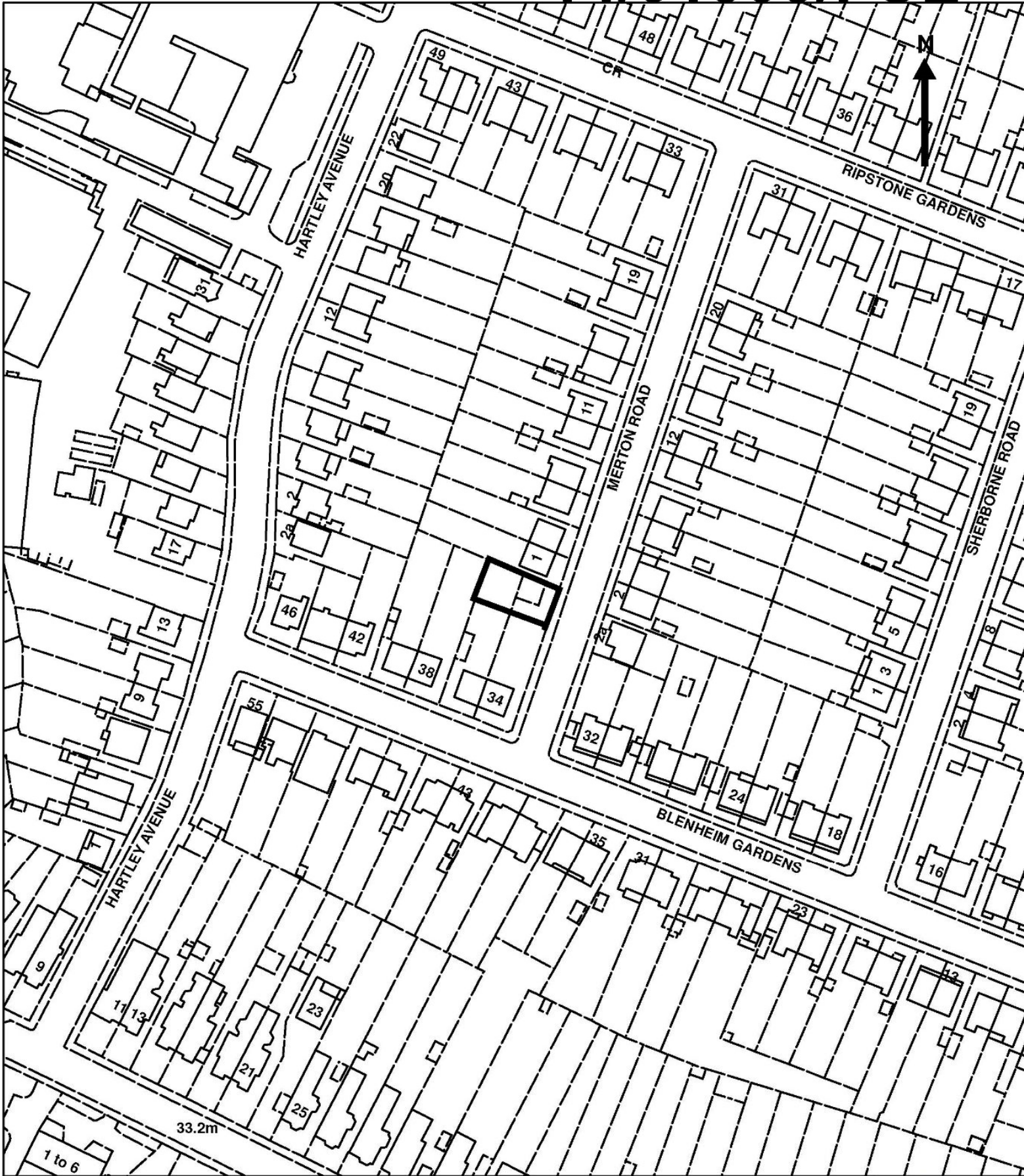
12/01413/PREAP2 - Erection of a part single-storey and part two-storey rear extension - CLO

12/01909/FUL - Erection of a part single storey and part 2-storey side/rear extension to existing house of multiple occupation (use class C4) - CAP

Land To The Rear Of 30-32 Blenheim Gardens

09/01186/FUL - Erection of a two-storey three bed house with associated parking and cycle/refuse storage - CAP

14/01505/FUL



Scale: 1:1,250

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