

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 28 May 2013
Planning Application Report of the Planning and Development Manager

Application address: 23 Caxton Avenue			
Proposed development: Erection of a pair of part single, part two-storey semi-detached, 2-bedroom houses with associated amenity space, bin and cycle stores, parking for 2 cars, following demolition of existing bungalow			
Application number	13/00152/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	18.03.13	Ward	Bitterne
Reason for Panel Referral:	Referred by the Planning & Development Manager	Ward Councillors	Cllr Stevens Cllr Letts Cllr Lloyd
Applicant: Mr George Hatchard		Agent: Paul Marsh Associates	
Recommendation Summary	Conditionally approve		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. The proposal has addressed the previous reasons for refusal and other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 28.05.13 do not have sufficient weight to justify a refusal of the application. The provision of flats is in accordance with adopted policies which require efficient use of previously developed sites to provide housing and the level of car parking proposed is in accordance with adopted car parking standards. Where appropriate planning conditions have been imposed to mitigate any harm identified. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS19 and CS20 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Plans and appeal decision		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site comprises a derelict bungalow within a residential street. In 2010, demolition works commenced on the property and the roof was removed but the building was not fully demolished. There is a significant change in levels across the site; the land slopes from the street downs towards the rear boundary. There is access from the rear garden of the site via an un-mettled service track . Beyond the rear site boundary are allotments.
- 1.2 The property is located within a residential cul-de-sac which, when viewed from Caxton Avenue has a relatively uniform character comprised of bungalows with hipped roofs and bays windows. Several of the properties have extensions to the rear including making use of the varied gradient to achieve two-storey extensions.

2. Proposal

- 2.1 This application seeks to overcome the previous reasons for refusal that were attached to a scheme for 3 flats on this site. The application proposes the removal of the existing building on site and the construction of a pair of semi-detached properties in its place. The dwellings would have the appearance of a single bungalow when viewed from Caxton Avenue and would make use of the change in levels to achieve two levels of accommodation to the rear of the site. The elevations would be finished using a red brick and render with tiled roofs.
- 2.2 Each dwelling would have two bedrooms. At the rear of the site each dwelling would have a rear garden which are between 11 and 13 metres in depth and 55 and 73 sq.m in area. Two first floor balconies would also be provided to the rear elevation which are 5 sq.m in area.
- 2.3 Two car parking spaces would be provided to the front of the site, but one of the dwellings would also benefit from a secondary parking space to the rear.
- 2.4 The scheme has been amended since initially submitted. Two bedrooms have been lost from the scheme and the projection of the building into the rear garden has been reduced by 6 metres. The form of the building has also been simplified. It was initially proposed to develop a house at the front of the site, linked to a house at the rear of the site.

3. 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.

4. Relevant Planning History

- 4.1 There have been three previous refusals for residential redevelopment of this site. The most recent refusal related to a scheme for 3 flats and was also dismissed at appeal. A copy of the plans and the appeal decision for the most recent scheme are included in **Appendix 2/3**.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (11.02.13). A further neighbour notification exercise was carried out following receipt of amended plans. At the time of writing the report **10** representations have been received from surrounding residents, **4** of which were received following the consultation on the amended plans. The following is a summary of the points raised:

- 5.2 ***The replacement of a single dwelling with two dwellings would be overdevelopment and out of keeping with the street.***

5.3 Response

The development would appear as a single-storey when viewed from Caxton Avenue and the scale and massing to the rear of the site is considered to be sympathetic with the surrounding development. The resultant residential density of 49 dwellings per hectare is in accordance with the range of 35-50 d.p.h supported by policy CS5 in such locations.

- 5.4 ***The development is designed with insufficient car parking and would result in overspill car parking onto the street which is already subject of high levels of car parking.***

5.5 Response

The development provides a parking space for each of the dwellings and this accords with the maximum adopted car parking standards. Furthermore, in refusing the application for 3 flats which was served by 2 car parking spaces, inadequate car parking was not cited as a reason for refusal. Its introduction as a reason for refusal now would, therefore, be unreasonable.

- 5.6 ***The scale of development is as large as the previous application which was refused on this site.***

5.7 Response

The last application on this site proposed 3 flats (8 bedrooms) contained within a building which was two and three storeys in height. In addition to this, the footprint of the building would be approximately 40 sq.m less than previously proposed. The scale and intensity of the development proposed is therefore less than previously refused.

- 5.8 ***The development would result in overshadowing of the neighbouring properties.***

- 5.9 **Response**
The application has been amended since initially submitted to ensure that the rear building line respects that of the neighbouring properties. It is therefore considered that no harmful overshadowing would result from this proposal. Furthermore, the scale of the building and projection into the rear garden is significantly less than the last refused scheme on this site which was not refused for overshadowing reasons.
- 5.10 ***The excavation involved would result in drainage and flooding issues.***
- 5.11 **Response**
Southern Water have raised no objection to the application in this respect and a condition is suggested to secure details of surface water disposal to address this concern.
- 5.12 ***Construction would result in disturbance to the neighbours due to the constrained nature of the site and access.***
- 5.13 **Response**
A condition is suggested to secure a Construction Management Plan to minimise disturbance to the neighbouring residents.
- 5.14 **SCC Highways** - No objection subject to conditions
- 5.15 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions to secure a contaminated land investigation and any necessary remediation.
- 5.16 **Southern Water** – No objection. Suggests a note to applicant regarding the requirement to apply to connect to the public sewer.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development;
 - ii. Design and impact on the character of the area in light of the previous appeal;
 - iii. The impact on residential amenity;
 - iv. The quality of the residential environment proposed and;
 - v. Parking and highways.

The application needs to be assessed in terms of these key issues in light of the planning history of the site.

6.2 Principle of Development

- 6.2.1 The proposal would make efficient use of previously developed land to provide further housing and the introduction of smaller units would help to contribute to a mixed and balanced community. The development would result in a density of 49 dwellings per hectare which is in accordance with the range of 35 to 50 d.p.h set

out in policy CS5 of the Core Strategy. The previous dwelling on site contained two bedrooms and does not, therefore, meet the policy definition of a family dwelling. As such, there is no requirement to include a three-bedroom unit within the development. The principle of development is therefore considered to be acceptable and the proposal would assist the Council in delivering its housing requirements.

6.3 Design and Impact on the character of the area

6.3.1 When viewed from the street, the development would clearly read as a single, detached bungalow. The entrances to the dwellings are within the side elevations and frontage car parking area would not be subdivided. The scale, massing and design of the front section of building closely follows the appearance of the other dwellings within the street. To the rear of the site, the development makes use of the change in levels to achieve two-storeys of accommodation. This would not appear unusual within Caxton Avenue; both of the neighbouring properties at 25 and 21 have a two-storey appearance at the rear, as does no. 19 Caxton Avenue. The footprint of the proposed building would also respect existing properties within Caxton Avenue. As such, it is considered that the proposal would appear consistent with the pattern of development within Caxton Avenue and that the proposal has addressed the previous concerns of the appeal inspector with regards to character and appearance.

6.4 Impact on Residential Amenity

6.4.1 The projection of the building into the rear garden has been significantly reduced from that originally submitted and now respects the rear building lines of the neighbouring properties. The development has been designed to ensure no overlooking from habitable room windows onto the boundaries with the neighbouring properties. As noted above, the scale and projection of the building to the rear of the site is significantly less than the last scheme refused on this site which was judged to have an acceptable impact on the neighbouring occupiers. The proposal is therefore considered to be acceptable in this respect.

6.5 Quality of the Residential Environment

6.5.1 Each dwelling would have access to a private rear garden and rear facing balcony. The dwelling to the north would be served by 60 sq.m of amenity space and the dwelling to the south would be served by 82 sq.m of amenity space. The garden areas are useable and private and would relate well to the dwellings that they serve. There is sufficient space to accommodate cycle and refuse storage for each dwelling which would be located conveniently in relation to the dwellings and the public highway for collection purposes. Habitable rooms would have good level of outlook, with rear-facing accommodation taking advantage of the open aspect over the allotments.

6.6 Parking and Highways

6.6.1 Each dwelling would be served by a car parking space to the property frontage taking access from Caxton Avenue. A secondary access exists to the rear of the site which would enable any overspill car parking for the southern dwelling to be accommodated at the rear. The level of car parking is in accordance with the adopted maximum car parking standards and is thereby considered to be

acceptable. Furthermore, as noted above, the application proposes an improved car parking ratio when compared with the previously refused application which was judged to be acceptable in parking and highways terms.

- 6.6.2 Refuse storage would be provided externally to the side of the dwellings. Refuse containers would then be moved to and from the frontage on collection days. Whilst concerns over refuse collection arrangements formed part of the previous reason for refusal on this site, this aspect of the refusal was not supported by the appeal Inspector. The storage and collection arrangements are, therefore, considered to be acceptable.

7. Summary

- 7.1 The development would make good use of this previously developed site to provide housing and the form of the replacement building would be sympathetic to the character of Caxton Avenue. The proposal has addressed the previous reasons for refusal and is therefore considered to be acceptable.

8. Conclusion

- 8.1 Subject to the imposition of the suggested conditions attached to this report the proposal would be acceptable. The application is therefore recommended for 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), (c), (d), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)]

JT for 28/05/13 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 - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

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

- i. proposed finished ground levels or contours; means of enclosure; hard surfacing materials and lighting;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. 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);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. 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

04. 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 dwellings.

Reason:

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

05. APPROVAL CONDITION - Refuse & Recycling Bin Storage [Performance condition]

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The

facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

Reason:

In the interests of the visual appearance of the building and the area in general.

06. APPROVAL CONDITION - Cycle Storage [performance condition]

Cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The cycle storage shall be thereafter retained.

Reason:

In the interests of the visual appearance of the building and the area in general and to promote alternative modes of travel to the private car.

07. APPROVAL CONDITION – Obscure Glazing [performance condition]

The windows in the side elevations above ground floor level shall be glazed using obscure glass and fixed shut up to a height of 1.7 metres from the internal floor level of the property. High level windows hereby approved on the side elevations of the building shall have a cill height of no lower than 1.7 metres from the internal floor level. The fenestration shall be permanently maintained in this condition.

Reason:

In the interests of the privacy of the neighbouring occupiers

08. APPROVAL CONDITION - Hours of Construction [Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

09. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning

authority.

Reason:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

10. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & 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 scene 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.

11. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement 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.

12. 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.

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 - No other windows or doors other than approved [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 windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

16. 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 C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

17. APPROVAL CONDITION - Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of surface water shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

Reason:

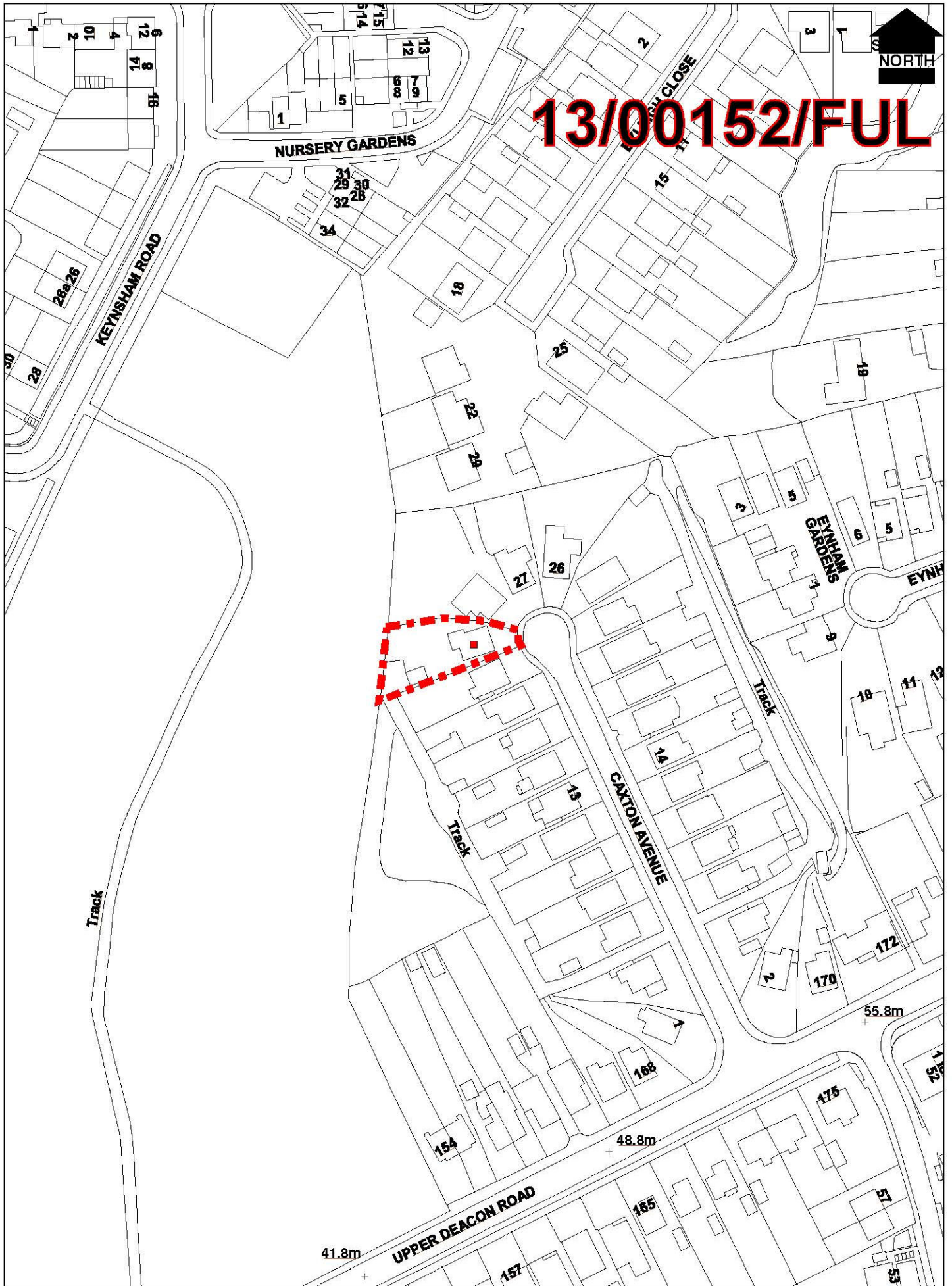
To secure a satisfactory form of development.

18. 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.



13/00152/FUL

Scale : 1:1250

Date : 15 May 2013

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