

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 31 August 2010
 Planning Application Report of the Planning and Development Manager

Application address: Land rear of 3 - 6 Seymour Road			
Proposed development: Erection of an additional 2 x 2-storey, 4-bed detached houses with associated detached double garage and cycle/refuse storage and replacement house type to house on Plot 1, previously approved under ref 99/01407/FUL			
Application number	10/00277/FUL	Application type	Full
Case officer	Andrew Gregory	Public speaking time	5 minutes

Applicant: Seymour (Southampton) Ltd	Agent: Pro Vision Planning & Design
Recommendation Summary	Grant planning permission subject to conditions

Reason for Panel Consideration

The proposal involves development on land which is not previously developed and raises similar issues to development on garden land. Therefore in light of the recent changes to PPS3 it is considered that the panel should be directly involved in the determination of this application.

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) are also relevant to the determination of this planning application.

Appendices attached			
1	Development Plan Policies	2	Appeal decision 9.3.2005

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site (0.125 hectares) is located in a zone of low accessibility. It comprises land which is not considered previously developed. It does not form private residential gardens and is not occupied by any buildings (see PPS3 definition). The planning history of the site is unclear however applicant indicates that the land was originally set aside for private tennis courts and may have been used for private horticultural use (but is not a formal allotment).

1.2 The land is situated on land to the rear of 3-6 Seymour Road and adjacent to undeveloped land to the rear of 6-9 Seymour Road which has planning approval for 5 houses (allowed on appeal in 2005). The site is accessed between 6 and 7 Seymour Road.

1.3 The surrounding area is predominantly residential in nature. The site is framed by semi-detached dwellings within Seymour Road and by houses and flats within Winchester Road. The site is reasonably level and is enclosed by mature planting, close boarded fencing and a brick outbuilding at the rear of 300 Winchester Road. Malvern Business Centre abuts the northern boundary.

2. Proposal

2.1 The application proposes the erection of 2 no. two-storey four-bedroom detached houses to the rear of 3-6 Seymour Road. The proposal has been designed to link into the adjacent approval for 5 houses but could come forward independently, because the long access drive between 6-7 Seymour Road has been incorporated into the application. The proposed dwellings have been identified as plots 6 and 7 and have a layout, scale and design which reflect the approved scheme.

2.2 A single-storey double garage and 2 no. surface car parking spaces are shown to the front of the proposed dwellings providing a total of 4 spaces. The proposed dwellings have landscaped front gardens with 9-10 metre length private rear gardens.

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 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

3.3 PPS3 Housing (2010): On June 9th 2010 private residential gardens were excluded from the definition of Previously Developed Land (PDL) in the Government’s Planning Policy Statement on Housing (PPS3). Also, the requirement to achieve a minimum density of at least 30 dwellings per hectare was removed.

3.4 The revised PPS3 maintains that the priority for development should be PDL (Paragraph 36 refers).

3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until

and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

3.6 That said, the revised PPS3 maintains that the planning system should provide "a flexible, responsive supply of land that is managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate" (Paragraph 10 refers). The national annual target that "at least 60 per cent of new housing should be provided on previously developed land" remains, suggesting that residential development can still take place on other land subject to the local circumstances of each site involved.

3.7 It is the view of the Council's Planning Policy Team that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development on private residential gardens. Instead it allows Councils greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area. The judgement as to whether such proposals are acceptable will need to consider, amongst other factors:

- the loss of private residential garden land;
- the contribution the land currently makes to the character of the area;
- the impact on the defined character of the area; and,
- the contribution that the scheme makes to meeting housing need.

3.8 The revised PPS3 maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

4.0 Relevant planning history

4.1 99/01407/FUL (Allowed on appeal 9.03.2005) for:- Five 4 bed dwellings, detached garages and new vehicular access at land to the rear of 5-9 Seymour road (amended plans).

4.2 Please note that all the pre-commencement conditions have been discharged. Limited works have taken place to the site access, which represent commencement of development in accordance with section 56 of the Town and Country Planning Act 1990.

4.3 The appeal decision relating to land at the rear of 5-9 Seymour Road is attached as **Appendix 2**.

5.0 Consultation responses and notification representations

5.1 A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice. At the time of writing the report 24 representations had been received which can be summarised as follows:

5.1.1 The principle of the development

- **The Council originally refused the application for 5 houses as backland development which is out of character with the surrounding area**

- **7 dwellings is materially different to the 5 houses approved by the planning inspector**
- **This is the wrong development for this locality**
- **The density is out of keeping with the area.**

Response – This application relates to 2 additional houses on land outside of the appeal site (except the access). The decision was overturned by the Planning Inspectorate, which is now a material consideration in the assessment of this application. The appeal decision is appended to this report and sets out why the layout for 5 houses would not be out of keeping (see paragraphs 15-21 of **Appendix 2**). The proposed development respects the layout approved at appeal (this scheme can be implemented and thus informs the future character of the area). Discounting the access drive, the site has a density of 42 dph. This density falls within the density parameters for a low accessibility area of 35-50 dph. This density level accords with policy. The intensification from 5 to 7 houses does not conflict with policy nor does it create any new significant highway safety, ecology or noise concerns.

5.1.2 Highways matters

- **Intensification of traffic within Seymour Rd and adjoining roads.**
- **Parking displacement**
- **Car dominated development**
- **The intensification of use will make the access unfit for purpose**

Response – The level of parking accords with the Councils Maximum standards. The approach into the development has been allowed by the appeal decision. The additional parking for this proposal is proposed to be positioned in the western corner and will not dominate the approach into the development. There is no evidence to suggest that any displacement will prejudice highway safety (no objection raised by HDC).

5.1.3 Infrastructure matters

- **Increased surface water run-off**

Response – This will be dealt with by on-site and surface water drainage to be agreed at building control stage. Sustainability requirements to achieve code level 3 will also inform the approach to tackling surface water run-off.

- **Increase demand for local services**

Response - This is not a stand alone reason for refusal, particularly as local services can be upgraded to cope with increased demand.

5.1.4 Ecology matters

- **Loss of wildlife habitat**

Response - No objection raised by the Councils ecologist.

5.1.5 Other matters

- **Restrictive covenants would prevent vehicular access to the rear of 5-9**

Response - This is a separate legal matter and does not prevent the local planning authority from reaching a decision on this application.

5.2 SCC Highways - No highway objection subject to the attached planning conditions. The application site lies within an area defined as having “low” accessibility to public transport and services. The development is not considered to compromise highway safety. The provision of 4 spaces, 2 per dwelling, to serve the proposed level of development accords with the Council’s maximum parking standards.

5.3 Ecology - No objection providing the conclusions of the reptile survey are incorporated and appropriate mitigation for habitat loss is provided. Ecological mitigation and enhancement measures will be required through condition.

5.4 Pollution & Safety – No objection raised subject to a conditions restricting hours of work, no bonfires and the submission of a construction environment management plan which contains statements and site specific plans to prevent or minimise impact from noise, vibration, dust and odour for all operations.

5.5 Environment Agency – Unable to make a full response to this application.

5.6 Southern Water – No objection raised subject to conditions requiring details of the measures to be undertaken to protect the public sewer and details of the proposed means of foul and surface water sewerage disposal. In addition, an informative is required in relation to connection to the public sewer.

6.0 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, density & impact on established character;
- iii. Residential amenity;
- iv. The quality of residential environment for future occupants; and,
- i. Whether the travel demands of the development can be met.

6.2 Principle of development

6.2.1 The proposed development of 2 houses is acceptable in principle and accords with policies contained within the development plan and central government’s wishes to promote sustainable and efficient use of land for housing development providing that the character of an area is not compromised. The level of development of 42 dwellings per hectare (dph) fits within the density parameters for the site (of between 35 and 50dph). The provision of genuine family housing is welcomed and fulfils the requirements of policy CS16 of the Core Strategy. Precedent has been set by the adjacent approval for 5 houses and this proposal would acceptably tie into that development.

6.2.2 The proposal seeks to introduce two additional houses on land which not considered previously developed. PPS3 advocates the efficient use of land for housing delivery and advises that at least 60% of new housing nationwide should be on previously developed land. With the recent changes to the status of garden land there is clearly an increased

focus on delivering the majority of new housing on previously developed land but national and local planning policy does not prevent the delivery of housing on undeveloped land, where appropriate. Consideration must be given to making the best use of land, impact on the character and appearance of the area and the promotion of development in sustainable locations to reduce the pressure for development on green field sites and protected open spaces.

6.2.3 This proposed site is framed by existing residential plots and land which has approval for 5 new houses. If this land was left undeveloped it could become closed off and would potentially become under used. This proposal provides the opportunity to make efficient and sustainable use of the site to provide additional market housing. The proposal has been designed to integrate into the approved scheme for 5 houses.

6.2.4 The existing unallocated private open space does not make a significant contribution to the character of the area and its development is considered acceptable when considered on balance with the future layout of buildings and gardens in this area and the opportunity to deliver additional family housing.

6.2.5 Whilst the City has a 5 year land supply this does not prevent unallocated windfall sites coming forward subject to local character not being harmed.

6.3 Design, density & impact on established character

6.3.1 The design and access statement identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design. The proposed design, layout and scale of development is not considered to be adversely harmful to the surrounding pattern of development.

6.3.2 The proposal has taken into account the previous reason for refusal by amending the roof design to provide a barn-hip roof, this provides an improved reference to the established properties over a fully gabled roof, and a barn-hip provides a better scale and massing than a fully hipped roof in this two-storey street scene. The introduction of modest dormer windows will not detract from the appearance of the street scene.

6.3.3 The character of the area will not be compromised. The plot sub-division provides sufficient plot sizes for the existing and proposed dwellings which meet and exceed the standards within the Residential Design Guide in terms of building separation, privacy distances and garden sizes (10m length).

6.4 Residential amenity

6.4.1 The design and access statement identifies measures to be taken into account when maintaining residential amenity. The proposed design, layout and scale of development is not considered to be adversely harmful to the surrounding pattern of development, having had regard to the adjacent approval for 5 houses.

6.4.2 The surrounding area includes a mix of two-storey housing and larger flatted developments. The design and scale of the proposed houses has sought to respect the 5 houses approved on the adjacent plot and also the established houses within the area. The scheme has also taken on board the Planning Inspector's comments in terms of reducing the bulk and massing of the end unit by introducing skilling's to lower the eaves height to protect the amenities of occupiers of 298 Winchester Road.

6.5 Quality of residential environment

6.5.1 All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting.

6.5.2 Each property is provided with approximately 56 square metres of private usable amenity space per dwelling which accords with the layout approved at appeal for 5 houses. The size of these gardens are smaller than the recommended garden sizes advocated for detached houses within the Residential Design Guide of 90 square metres. However, on balance with housing delivery, this shortfall is acceptable given the gardens remain acceptable in terms of quality and usability.

6.5 Whether the travel demands of the development can be met

6.5.1 The application site is within an area, which is defined as a “low” accessibility zone in the Adopted Local Plan. The level of parking provision proposed needs to be assessed against the maximum parking standards set out in the adopted Local Plan. The development proposes 4 car parking spaces, which accords with the Council’s maximum parking standards. The level of parking provision and access arrangement will not prejudice highway safety.

7.0 Summary

7.1 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The proposal is consistent with adopted local planning policies. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

8.0 Conclusion

8.1 By securing the matters set out in the recommendations section of this report, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Planning and Development Manager.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), 2(c),
LDF Core Strategy and saved policies from Local Plan (Review)

AG 11.08.10 for 31.08.10 PROW Panel

CONDITIONS for 10/00277/FUL

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: Facing materials

Unless otherwise agreed in correspondence by the Local Planning Authority the external materials and finishes of the development hereby approved shall match those agreed in the discharge of condition 06 of appeal decision APP/D1780/A/04/1150191, namely:

Facing bricks - Westminster red stock

Roof tiles - Plain concrete Redland Farmhouse red

Reason: To secure a satisfactory form of development.

03. 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.

04. APPROVAL CONDITION - Preserving and enhancing biodiversity [Pre-Commencement Condition]

The development shall be carried out strictly in accordance with the recommendations of the Reptile Survey Report by Hampshire Ecological Services dated June 2010.

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

Reason

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

05. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types,

planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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 scheme 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.

06. APPROVAL CONDITION – Boundary Treatment [Pre-Occupation Condition]

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment 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 - Residential - Permitted Development Restriction [Permanent 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 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.

08. APPROVAL CONDITION - No other windows or doors other than approved
[Permanent 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.

09. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

10. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. 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. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties and in the interests of highway safety.

11. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified Code For Sustainable Homes certification body.

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).

12. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

13. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

14. PERFORMANCE/PRE-OCCUPATION CONDITION – Access and parking

Prior to the start of construction of the buildings hereby approved, the kerb and footway alterations to provide the visibility splays at the entrance to Seymour Road shall be completed in accordance with the plans approved by the Inspector under the Appeal decision APP/D1780/A/04/1150191, dated 9 March 2005. Neither dwelling shall be occupied until the access, turning area and parking/garaging associated with each dwelling have been provided. Thereafter, at all times, the turning areas, parking and garaging shall be kept free of obstruction and available for use for those purposes.

Reason:

To ensure that satisfactory access and parking/manoeuvring space is provided and maintained to serve the development.

15. APPROVAL CONDITION - Garage use

The garages hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business; manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

REASON: To prevent car parking displacement into the access drive and surrounding streets in the interest of highway safety.

16. APPROVAL CONDITION - Waste Management Plan [Pre-Occupation Condition]

A waste management plan containing full details of measures to reduce the wastage of materials and promote the recycling of materials during the construction process and in the subsequent use and operation of the development shall be submitted and agreed in writing with the Local Planning Authority prior to the first occupation of the development hereby granted consent. The plan will contain measures to promote the reuse, segregation and composting of wastes produced on site.

Reason:

To ensure that resource consumption is minimised and opportunities for recycling are maximised on site and to comply with policy SDP13 (viii) of the City of Southampton Local (2006).

Note to Applicant:

Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne or www.southernwater.co.uk.