

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

Application address:			
Land To Rear of 273 Wimpson Lane, Redbridge, Southampton, SO16 4PY			
Proposed development:			
Erection of a detached 4-bed house with associated parking and storage facilities			
Application number	10/00523/FUL	Application type	Q13 - Minor Dwellings
Case officer	Jenna Turner	Public speaking time	5 minutes
Applicant: Mr Mark Breen		Agent: Tony Oldfield Architects	

Recommendation Summary	Conditionally Approve
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Reason for Granting Permission

Reason for Granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 31.08.10 do not have sufficient weight to justify a refusal of the application. The proposed dwellings would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, 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. 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.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

That the application be approved subject to the attached suggested planning conditions

1.0 Background

1.1 This application has been referred to Panel at the request of Ward Councillor Holmes.

1.2 The application is a resubmission of an application approved in 2008 (planning application reference 08/00975/FUL). This application can be implemented up to August 2011. The current proposal seeks material amendments to the approved scheme and these alterations are outlined below.

2.0 The site and its context

2.1 The application site was last used as residential garden associated with 273 Wimpson Lane; a semi-detached, two-storey dwelling house, although the site has since been subdivided from the main plot following the grant of planning permission for a dwelling in 2008. The site is bounded by residential gardens on three sides, with 6 residential garages to the north-east of the site which are accessed from Wimpson Gardens. The surrounding area is residential in character and typically comprises two-storey family dwellings.

3. Proposal

3.1 The application seeks planning permission to construct a detached two-storey dwelling to the rear of 273 Wimpson Lane which would be accessed from Wimpson Gardens. A residential density of 50 dwellings per hectare would be achieved. The dwelling would have a two-storey scale and has a contemporary design appearance and would be constructed using a facing brick and fibre cement cladding.

3.2 Two on-site car parking spaces would be provided to the west of the dwelling which would be accessed from a turning head within Wimpson Gardens. Purpose built cycle storage would be provided to the rear of the property. Storage for refuse and recycling would also be provided to the rear of the site. The dwelling would be served by a private rear garden of 80 sq.m in area.

3.3 The differences between the current application and the approved scheme can be summarised as follows:

- The roof design has been changed from a flat to a pitched roof;
- The height of the building is 500 mm greater than the approved building
- The length of the building has been increased by 1 metre

4. Relevant Planning Policy

4.1 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**.

4.2 The application site is not allocated in the current development plan. The Council’s usual requirements for achieving context-sensitive residential design as required by Core Strategy policy CS13 and policies SDP1, SDP7 and SDP9 of the Local Plan are applicable. Applications for new residential dwellings are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4.3 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.

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

4.5 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").

4.6 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.

4.7 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.

4.8 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).

5.0 Relevant Planning History

This application is a resubmission of a scheme approved in 2008 (reference 08/00975/FUL) and seeks amendments to the approved scheme.

6.0 Consultation Responses and Notification Representations

6.1 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, placing a press advertisement and erecting a site notice. At the time of writing the report **9** representations have been received from surrounding residents including from the local ward Councillor Marsh-Jenks. The following is a summary of the points raised:

6.2 The proposal would result in the loss of a car parking space within the turning head of Wimpson Gardens. The proposal would therefore exacerbate existing parking pressures within the area and lead to parking in unsafe locations and hindering access to Wimpson Gardens by larger vehicles.

Response

It is noted that Wimpson Gardens does indeed have on-street parking pressures, particularly in the evening. However, the turning head from which the access to the site would be taken is adopted public highway. It is important to note that the boundary of the application site adjoins the public highway and, since Wimpson Lane is not a classified road, that a vehicular access can be formed without the need for planning permission. Furthermore, the proposed highway arrangement has been previously approved.

6.3 The proposal would have an adverse impact on the existing sewerage and drainage infrastructure

Response

Southern Water has previously advised that they can provide foul sewage disposal and requested a condition be imposed to secure details of surface water disposal.

6.4 The piecemeal nature of the development would have a harmful impact on the character of the area

Response

The proposed dwelling would be a stand alone development but that is not to say that it would appear unrelated to the site's context. The positioning of the dwelling adjacent to the boundary with Wimpson Gardens and the residential garages would ensure that the building would not appear isolated when viewed from public vantage points.

6.5 The proposal would have a harmful impact on the outlook from properties within Wimpson Gardens

Response

There would be approximately 22 metres between the side elevation of the proposed dwelling and the front elevations of the existing properties within Wimpson Gardens. This comfortably exceed the 12.5 metres 'hip to gable' separation standard of the Residential Design Guide which looks to ensure a good level of light and an acceptable level of outlook from habitable room windows.

6.6 There would be an insufficient gap between the side elevation of the dwelling and the adjacent garage for maintenance purposes

Response

The proposed dwelling would indeed be built up to the boundary which adjoins the neighbouring garages, however there is no requirement in planning regulations to provide separation from boundaries for the purpose of maintenance.

6.7 SCC Highways – At the time of writing no feedback has been received but a verbal update will be given at the panel meeting. The Highway Officer raised no objection to the previously approved scheme and there have been no changes to the access or parking arrangements for the development.

7.0 Planning Consideration Key Issues

7.1 The application needs to be assessed in terms of the following key issues and the planning history of the site:

- i. Principle of development;
- ii. Design;
- iii. Residential amenity;
- iv. Residential Standards; and
- v. Highways and parking.

7.2 Principle of Development

7.2.1 The proposal would involve the development of garden land which has been recently removed from the definition of previously developed land on the 9th July update to PPS3: Housing. PPS3 indicates that the priority for development is previously developed land. However, that is not to say that development on garden land is harmful per se, but rather it needs to be balanced against the impact of the development on the character of the area and other planning policies which require the efficient use of land to provide housing. Furthermore, a significant consideration of this proposal is that the application site benefits from planning permission to construct a two-storey dwelling and this planning permission can still be implemented. As such, the main assessment should be whether the differences between the approved scheme and the current scheme would introduce any additional harmful impacts on the site and surroundings.

7.2.2 The density of the proposed development would be appropriate for this area of medium accessibility and the provision of a family dwelling is still welcomed.

7.3 Design

7.3.1 The proposed dwelling would be marginally taller than the approved scheme but would still be of a sympathetic scale and massing to neighbouring properties. The use of a pitched roof form would help the dwelling to better relate to the Wimpson Gardens street scene when compared with the approved scheme.

7.3.2 The spacing that would be achieved between the proposed development and the existing property and the amenity space areas provided for both the existing and proposed dwelling would ensure that the plot would retain its spacious suburban character. Furthermore, the positioning of the dwelling adjacent to Wimpson Gardens would ensure that the proposal would not appear as an isolated back garden development. As such it is considered that the development of garden land would be acceptable in this instance.

7.4 Residential Amenity

7.4.1 There would be a back-to-back separation distance of approximately 23 metres between the proposed dwelling and 273 Wimpson Lane. This distance exceeds the privacy distance recommended by the Residential Design Guide and would provide an acceptable level of outlook, privacy and daylight to both the existing and proposed dwellings.

7.4.2 The orientation of the plot would ensure that the proposal would not result in any harmful overshadowing of the neighbouring gardens. The dwelling would be positioned 1 metre away from the boundary with the garden of 271 Wimpson Lane and the majority of the garden which serves 271 Wimpson Lane would be unaffected by the development proposal. The separation between the proposed dwelling and the most useable garden area of 271 (immediately adjacent to the property) would ensure that no harmful impact on residential amenity would occur. A condition is suggested to ensure windows within the first floor south side elevation are non-opening and obscurely glazed to prevent harmful overlooking of the neighbouring garden.

7.5 Residential Standards

7.5.1 The development would be served by approximately 80 sq.m of private and useable amenity space which would be fit for purpose and relates well to the dwelling. Purpose built cycle and refuse storage would be accommodated within this space and there would be a convenient access from the store to the public highway. The proposed layout would provide adequate outlook from and sufficient daylighting to habitable rooms.

7.6 Highways and Parking

7.6.1 The proposed dwelling would be served by two off-road car parking spaces which exceeds the adopted car parking standards for this area. However, having regard to the suburban location of the site and the concerns raised with existing on-street car parking pressures, this is considered to be acceptable. The approved scheme also includes 2 parking spaces. The proposed accessed into the site is acceptable in highway safety terms.

8.0 Summary

8.1 The proposal for an additional family house is considered to be acceptable. The proposal would not introduce any additional harmful impacts on the locality as a result of the proposed changes.

9.0 Conclusion

9.1 This application has been assessed as being acceptable to residential amenity and its local context and therefore the application is recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2(c), 2(d), 2(e), 4(s), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

JT for 31.08.10 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works [Performance condition]

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).

2. APPROVAL CONDITION - Details of building materials to be used [Pre-commencement condition]

Notwithstanding the details shown on the approved drawings no development works shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority.

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.

3. APPROVAL CONDITION - Landscaping Implementation [Performance condition]

The hard and soft landscaping works hereby approved shall be carried out in accordance with the plans hereby approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

REASON:

To ensure that the works are carried out as approved in the interests of the visual amenities of the area.

4. APPROVAL CONDITION - Landscaping Replacement [performance condition]

If within a period of three years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON:

To ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

5. APPROVAL CONDITION - Refuse and Cycle Storage [performance condition]

Bin and cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The refuse facilities shall include accommodation for the separation of waste to enable recycling with doors hinged to open outwards. The approved storage shall be retained whilst the development is used for residential purposes, with bins kept in their allotted stores on non collection days.

REASON:

In the interests of highway safety and visual amenity and to encourage recycling.

6. 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 residential flats hereby approved and shall be retained with access to it at all times for the use of the residents to this scheme.

REASON:

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

7. APPROVAL CONDITION – Removal of Permitted Development Rights [Performance condition]

Notwithstanding the provisions of Classes A-E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s), no additional windows other than those hereby approved, nor the erection of any structures within the curtilage (other than those shown on the approved drawings listed above) unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

REASON:

To enable the Local Planning Authority to ensure that sufficient space is retained around the dwellings in the interests of neighbourliness and amenity.

8. APPROVAL CONDITION – Boundary Treatment [performance condition]

Prior to the development first coming into occupation the boundary treatment shall be fully implemented in accordance with the plans hereby approved and thereafter retained as approved. The boundary treatment shall include the dwarf front boundary wall, rear close boarding fencing no less than 1.8 metres in height and 1.8 metre high lockable gates to the side access to the properties.

REASON

To secure a satisfactory form of development

9. APPROVAL CONDITION - No other windows or doors other than approved in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed on the east side elevation facing the boundary with 271 Wimpson Lane, above first floor level other than those illustrated on the drawings hereby granted consent without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenity and privacy of the adjacent property.

10. APPROVAL CONDITION – Obscure Glazing [performance condition]

The windows located within the first floor side elevation of the development hereby approved shall be non-opening and obscurely glazed up to a height of 1.7 metres from the internal floor level.

REASON

In the interests of the privacy of the neighbouring residential occupiers.

11. APPROVAL CONDITION – Drainage [pre-commencement condition]

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

REASON

To ensure the proposal does not increase the likelihood of flooding in the vicinity of the site.

12. APPROVAL CONDITION – Permitted Development Restriction – Access [Performance Condition]

Other than that hereby approved, no further points of access from Wimpson Gardens into the application shall be formed without the written approval of the Local Planning Authority.

REASON

In the interest of the convenience of the users of the adjacent highway

13. APPROVAL CONDITION – Hours of work for Demolition / Construction

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 LPA.

REASON:

To protect the amenities of the occupiers of existing nearby residential properties living along Bevois Valley Road and Earl's Road.

14. APPROVAL CONDITION - Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve a minimum level 3 standard in the Code for Sustainable Homes (or equivalent ratings using an alternative recognised assessment method), shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted consent unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and verified in writing for each unit prior to its first occupation.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy SDP13 of the City of Southampton Local Plan (2006) as supported by Core Strategy Policy CS20.

15. APPROVAL CONDITION – Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO₂ emissions [of at least 20%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO₂ emissions of the development [by at least 20%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding the demolition phase) hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

Notes to Applicant

Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

POLICY CONTEXT

Core Strategy - (January 2010)

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

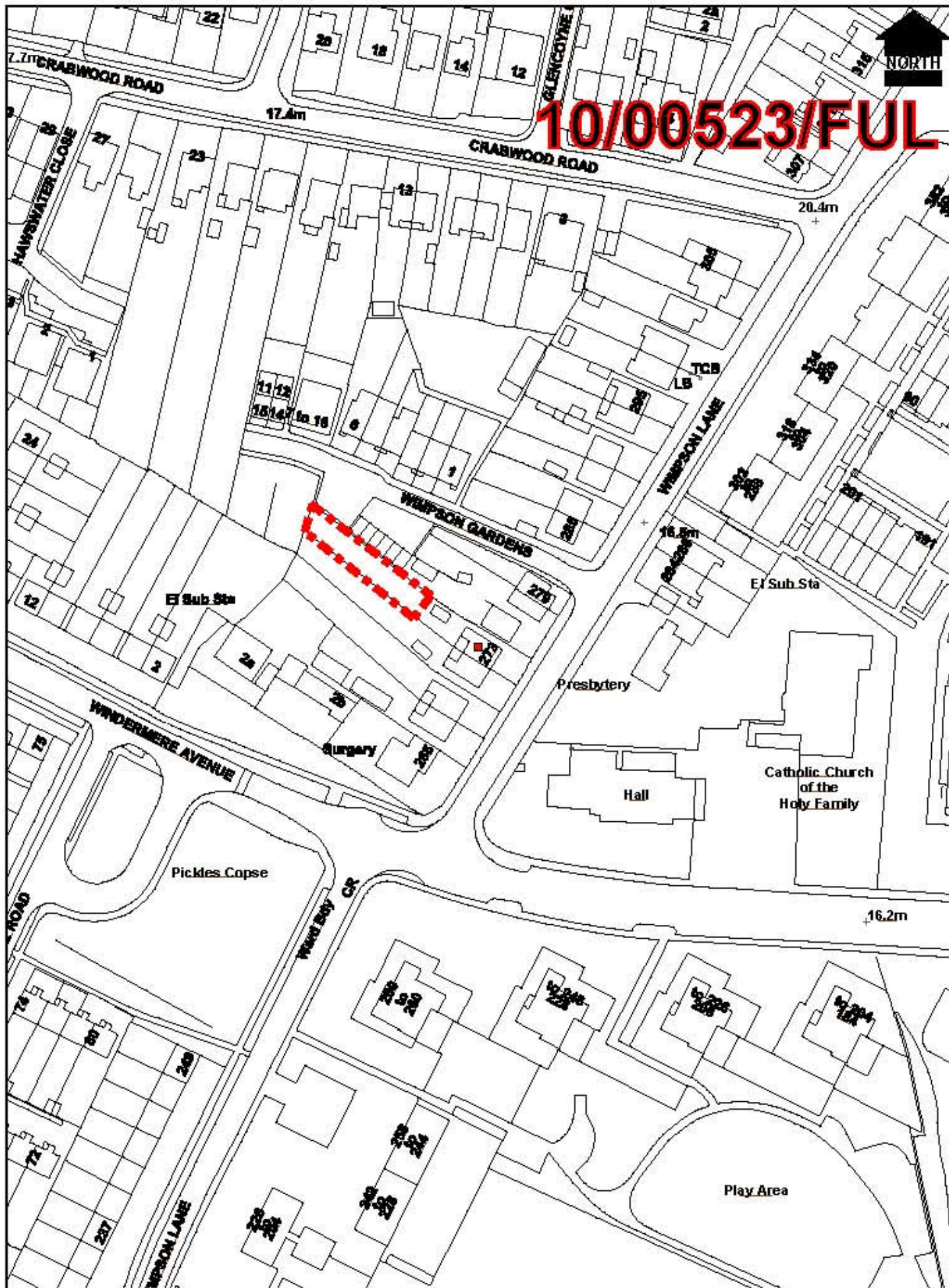
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG13	Transport (2001)



10/00523/FUL



Scale : 1:1250

Date : 16 August 2010

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