

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 the rear of 50 - 53 Roselands Gardens, Portswood Southampton			
Proposed development:			
Erection of 2 x 3-bed houses with detached shared garage and storage facilities, with existing access to the site widened			
Application number	10/00608/FUL	Application type	Q13 - Minor Dwellings
Case officer	Jenna Turner	Public speaking time	5 minutes

Applicant: Mr John Wright	Agent: Mr John Duggan
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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 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 for the reasons given in the report to the Planning and Rights of Way Panel on the 31.08.10. 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 suggested planning conditions

1.0 Background

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

2.0 The site and its context

2.1 The application site is a 0.16 hectare rectangular site which is previously undeveloped land with the exception of a residential garage. The site benefits from an existing vehicular access from Roselands Garden and is currently overgrown with vegetation. There is a change in levels across the site with the land sloping down towards the northern site boundary. There are some substantial trees adjacent to the northern site boundary which are subject to a Tree Preservation Order. The site is bounded on three sides by residential properties.

2.2 The surrounding area is residential in character although the architectural style of properties varies within Roselands Gardens.

3. Proposal

3.1 The application seeks planning permission to construct two detached three-bedroom dwellings. The properties would be chalet bungalow style dwellings with accommodation within the roof served by dormer windows and roof lights. The dwellings would have a traditional appearance with pitched roofs and chimneys. A residential density of 12 dwellings per hectare would be achieved.

3.2 Each property would be served by one car parking space as well as garage parking space and one visitor car parking space would also be provided. Access to the site would be via the existing vehicular access from Roselands Gardens, although this would be re-surfaced and widened at the entrance to enable two cars to pass one another.

3.3 Rear gardens of 165 sq.m in area would be provided and an area adjacent to the northern boundary would be separated from the rear gardens to provide a biodiversity area.

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

5.1 As stated in paragraph 1 above, 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 and erecting a site notice. At the time of writing the report **6** representations have been received from surrounding residents including from the local ward Councillor Vinson. The following is a summary of the points raised:

6.2 The proposal would result in a loss of privacy and a loss of light/overshadowing of the neighbouring properties

Response

The scheme has been amended from that originally submitted to improve the relationship of the proposed dwelling with 56 Roselands Gardens. The scale and position of the new dwellings have been carefully designed to minimise the impact on the neighbouring properties and this is addressed in more detail in section 7.4 below.

6.3 The proposal would result in the loss of a garden to the detriment of ecology and trees

Response

Planning records indicate that this site has never formed private garden. The application is accompanied by a detailed Tree and Ecology report and the Council's Ecologist and Tree Officers have raised no objection to the proposal.

6.4 The access into the site is sub-standard

Response

The development would make use of an existing vehicular access point and planning conditions are suggested to secure improvements to the access.

6.5 The proposal would be an overdevelopment of the site

Response

The footprint of the proposed buildings and associated hardsurfacing would account for approximately 30% of the site area and it is important to note that the Residential Design Guide seeks no more than 50% site coverage. The amenity space to serve the proposed dwellings would comfortably exceed the Council's standards and parking and necessary storage can also be accommodated on the site. This suggests that the proposal would not be an over-intensive use of the land.

6.6 The access would cause noise and disturbance to the neighbouring properties

Response

There would be additional vehicle movements within the access as a result of the development which would inevitably generate some degree of noise. However, having regard to the relatively low number of vehicle trips that would be associated with two dwellings, it is not considered that this would constitute harm to residential amenity.

6.7 The proposal would result in the loss of a hedgerow between the access and 48 Roselands Gardens

Response

A further planning application has also been submitted seeking the removal and re-planting of the access road hedge. A landscaping condition is suggested to be imposed on this planning permission to ensure that the hedge is either retained or suitably replaced.

6.8 SCC Highways – No objection. Suggests a condition to secure a 4.5 metre wide passing area to the entrance to the site

6.9 SCC Tree Team – The protected trees adjacent to the northern site boundary would not be adversely affected by the development. The remaining trees on site are not protected and are not worthy of protection and therefore there is no objection to their removal.

6.10 SCC Ecologist – No objection. The proposal would not have a harmful impact on the biodiversity value of the site subject to the imposition of planning conditions to secure mitigation measures and the protection of nesting birds during construction.

6.11 Southern Water – No objection. Suggest a condition to secure details of public

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 application site is not previously developed land and therefore the principle of development needs to be considered in terms of the contribution that the site plays to the character of the area. The site is not readily visible from public vantage points and it is considerably overgrown and therefore it is not considered that it makes an important visual contribution to the area. There are no trees worthy of protection on the site itself and Council's ecologist has advised that the site can be developed without having a harmful impact on the biodiversity value of the site. The provision of two family dwellings is also welcome. It is therefore considered that the principle of the development of the site for housing is acceptable, notwithstanding that the site is not previously development land where the priority for new housing should be focused.

7.2.2 The proposed level of development, at 10 dph, is well below the Council's current requirements (of between 35 and 50 dph for areas of low accessibility) as detailed by LDF Core Strategy Policy CS5. However, it should be noted that the proposal is for large family dwellings in an area defined by similar dwellings and a low density development. In good planning terms the consideration of density should not be the prime determination factor for an otherwise acceptable proposal. Instead, density should only be taken as a final test as to the appropriateness of a scheme; and where a scheme's layout and design is considered to be appropriate for its context (as is the case here) it is these assessments rather than an arbitrary density figure that should prevail. In this case, especially following the removal of a minimum density requirement within the revised PPS3, it is accepted that to provide a proposal that respects its context, and that delivers additional family housing, a low density scheme will need to be employed.

7.3 Design

7.3.1 The application proposes a low density scheme which retains a large amount of private open space to the rear of the dwellings. The site would, therefore, retain its spacious suburban character. The dwellings themselves are designed to be lower in scale than the two-storey properties which neighbour them, and are built into the land, meaning they would appear unobtrusive when viewed from surrounding properties.

7.3.2 The dwellings would not be readily visible from public vantage points but nonetheless are well designed and would make a positive impact on the surroundings.

7.4 Residential Amenity

7.4.1 A key aspect for consideration is the relationship of the development on 56 Roselands Gardens, which lies to the east of the site. This property is positioned within 3 metres of the boundary with the application site and has windows facing directly onto the site. These windows currently serve the dining room, living room, kitchen, a secondary bedroom window and bathrooms. The application has been amended from that originally submitted to improve the relationship with this property. The proposed dwelling nearest to 56 has been reduced in height by over 1 metre, moved a 500mm further away from the boundary and the pitch of the roof has also been reduced. It would also be positioned to avoid impacting on the outlook from the habitable room windows of 56 Roselands Gardens. The amendments to the proposal ensure that development would comply with BRE guidelines in relation to the daylight access to windows.

7.4.2 In terms of the relationship of the development with 48 Roselands Gardens, to the west, a section through the site has been submitted to show that the proposed dwellings would be positioned at a lower level than this property by some 3 metres. Furthermore, the 1.5 storey massing of the proposed dwellings would ensure that they would not appear over-dominant when viewed from number 48. A planning condition is suggested to ensure that the sill level of the roof lights are no less than 1.7 metres from the internal floor level to avoid overlooking of the neighbouring properties.

7.4.3 The privacy distance between the new dwellings and the 51-53 Roselands Gardens exceeds the standard suggested by the Residential Design which ensures an acceptable level of daylight, privacy and outlook.

7.5 Residential Standards

7.5.1 The dwellings would be served by a good quality private and useable amenity space which would be well in excess of the amenity space requirements of the Residential Design Guide. Purpose built cycle and refuse storage would be provided to serve the dwellings and a condition is suggested to secure a refuse management plan to address the removal of refuse to a collection point.

7.6 Highways and Parking

7.6.1 The site lies within an area of Low Accessibility for public transport and the number of car parking spaces accords with the Council's adopted parking standards. The access into the site achieves the minimum 3.1 metres width which enables a wheelchair or cycle and a car to comfortably pass one another in the access. A 4.5 metre wide vehicular passing place would be provided adjacent to Roselands Gardens and a condition is suggested to secure this. Highways Officers are satisfied that the visibility from the access onto Roselands Gardens would be acceptable.

8.0 Summary

8.1 The proposal for two additional family homes is considered to be acceptable. The dwellings would have a positive design appearance and the development retains the spacious character of the plot. The scheme will on its neighbours however the development has been designed to make use of the lower land levels and is positioned so as to reduce this impact to an acceptable level. The efficient use of this land is, on balance, acceptable.

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 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, means of enclosure, lighting 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

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.

9. 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.

10. 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).

11. APPROVAL CONDITION - Use of uncontaminated soils and fill

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

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 – Measures to protect the public sewers [pre-commencement condition

Prior to the commencement of the development hereby approved details of the measures to be undertaken to protect the public sewer on site during construction 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

14. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecological Survey March 2010] which unless otherwise agreed in writing 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.

15. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

16. APPROVAL CONDITION – Refuse Management Plan [pre-occupation condition]

Prior to the development first coming into occupation a refuse management plan shall be submitted to the Local Planning Authority for approval in writing. The plan shall detail the location of a collection point for refuse containers and the development shall proceed in accordance with the agreed details.

REASON

To secure a satisfactory form of development

17. APPROVAL CONDITION – Aboricultural Method Statement [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in accordance with the Aboricultural Implications Assessment (ref KTML-02410 AIA) dated 12.03.10.

REASON

To protect the trees on site.

18. APPROVAL CONDITION – Site access [pre-occupation condition]

Prior to the occupation of the development hereby approved, the access into the site shall be provided in accordance with the plans hereby approved. The access shall be re-surfaced in accordance with details to be agreed by the Local Planning Authority in writing and a vehicle passing place 4.5 metres wide and 6 metres deep shall be provided at the site entrance.

REASON

To ensure a satisfactory form of development

19. 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.

20. APPROVAL CONDITION – Sill level of roof lights [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority the internal sill height of the roof lights shall be no less than 1.7 metres from the internal floor level of the rooms which they serve.

REASON

In the interest of the privacy of the occupiers of the neighbouring properties.

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)

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

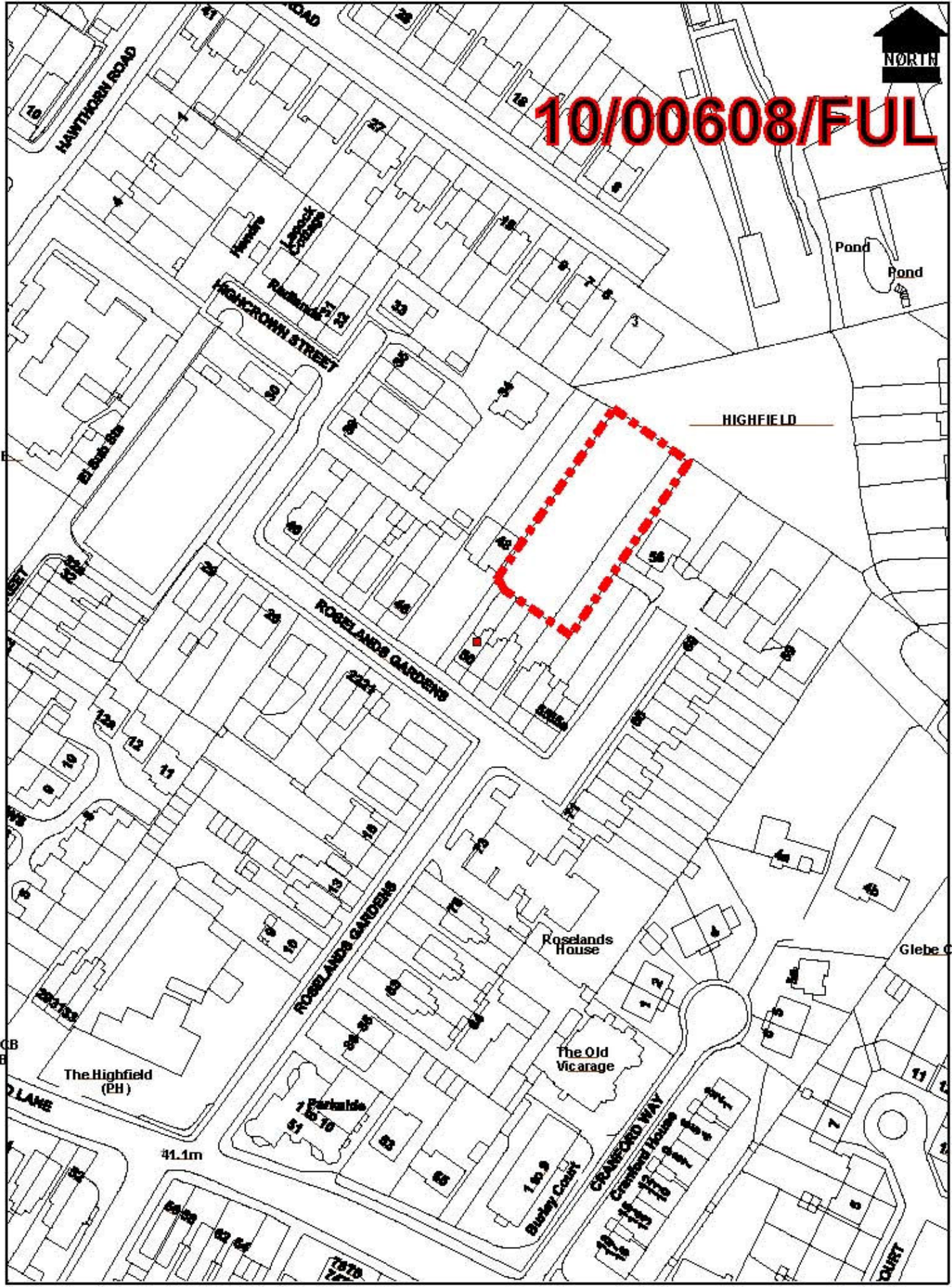
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

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



10/00608/FUL



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