

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 rear of 58 Park Road

Proposed development: Erection of a 2-storey, 2-bed house with associated bin/cycle storage and pedestrian access from Mansion Road

Application number	10/00598/FUL	Application type	FUL
Case officer	Bryony Giles	Public speaking time	5 Minutes

Applicant: Mr Robert Dixon	Agent: Concept Design & Planning
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Recommendation Summary	Conditionally Approve
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. In visual terms the proposals will bring improvements to the streetscene, and the additional residential accommodation will contribute to the mix of housing available within this location and provide an appropriate residential environment for future occupants of the site. 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.

“Saved” Policies – SDP1, SDP5, SDP7, and SDP9 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2010) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 The application relates to the rear garden of a two storey detached dwelling house located within the Freemantle area of Southampton.

1.2 The unusually shaped plot is ‘dog legged’ at the rear, running parallel with the rear boundary of 56 Park Road (The Wellington Arms) to front Mansion Road.

1.3 The area of garden intended for development is currently occupied by a series of outbuildings including a garage. The garage is currently accessed via Mansion Road.

1.4 The outbuildings are ancillary to the main use of the dwelling.

1.5 The surrounding area is predominantly (two storey) residential in nature and interspersed with commercial, namely the Wellington Arms public house to the north of the site and a car repair workshop directly opposite. To the west, an electricity substation bounds the site.

2.0 Proposal

2.1 The application seeks consent for the development of a single dwelling house within the curtilage of 58 Park Road.

2.2 The proposal involves the demolition of the existing outbuildings to be replaced with a modern two bedroom dwelling house that has been designed to respond to the sites constraints. The proposal provides a private garden for future occupants, as well as purpose built cycle and refuse storage.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), 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 Policy SDP1(i) requires planning permission to only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

3.3. Policy CS13 (11) expands on this requiring urban form and scale to be considered and advocates the need to make higher densities work, being of an appropriate scale, massing and appearance.

3.4 Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units and affordable housing. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.

3.5 Planning Policy Statement 3 (Housing - published June 2010) (PPS3) states there is no presumption that land that is previously developed will be necessarily suitable for housing development nor that the whole curtilage should be developed. More intensive development is not always appropriate, in particular, the Local Planning Authority should be carefully considered when the location of the development does not enhance the character and quality of an area. Land such as private residential gardens is excluded from the definition of previously developed land (although it may feature paths, pavilions and other buildings).

3.6 PPS 3 does not require the site to be developed to a minimum density to make efficient and effective use of land. The site is located in a medium accessible zone as the defined by policy CS19 (Car and cycle parking) of the Core Strategy, which is a suitable location for a density development of 50 to 100 dwellings per hectare to achieve efficient development of land in accordance with policy CS5 (Housing density).

3.7 The Local Planning Authority should be satisfied that the efficient use of land in this case does not compromise the quality of the local environment, which is a requirement of PPS 3, policy SDP7 (Context) of the Local Plan Review and CS13 (Fundamentals of Design) of the Core Strategy. These policies and guidance seeks to assess whether a development will cause material harm to the character and/or appearance of an area in context with the quality of the local environment such as visual characteristics.

4.0 Relevant Planning History

09/00709/FUL

Refused 07.09.2009

Erection of 2 storey 2 x bed house with associated bin/cycle store and access from Mansion Road.

Reasons:

1. Design

The proposed two-storey dwelling house would be out of keeping with the character and appearance of the area by reason of its design, massing and external appearance. Accordingly the development would be detrimental to the visual amenities of the area, contrary to policies SDP1, SDP7, SDP9, H2 and H7 of the adopted City of Southampton Local Plan Review (March 2006) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).

2. Amenity

The proposed dwelling house represents an un-neighbourly form of development by reason of the first-floor bedroom window within the rear elevation giving rise to overlooking and loss of privacy to 60 Park Road. Accordingly the development would be detrimental to the residential amenities of neighbouring occupiers, contrary to policies SDP1, SDP7, SDP9, H2 and H7 of the adopted City of Southampton Local Plan Review (March 2006) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006).

3. Access

The proposed layout does not provide a sufficient external access width to allow comfortable manoeuvrability for wheelchair users, and the movement of wheelie bins and bicycles. Accordingly the proposal would provide an unacceptable residential environment for future occupiers, contrary to policies SDP1 and H7 of the adopted City of Southampton Local Plan Review (March 2006) and the relevant sections of the Council's approved Residential Design Guide SPD (September 2006)

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (03.06.2010). At the time of writing the report **0** representations have been received from surrounding residents

5.2 **SCC HDC** – No objections raised subject to the imposition of the following conditions:-

- Fully enclosed, secure and lockable cycle storage to be provided.
- Details to be submitted to ensure that all temporary contractors' buildings, plant and stacks of materials and equipment associated with the development shall be stored within the site and not be stored or operated from the public highway.
- Wheel cleaning measures to be undertaken during the course of construction.

Response

Conditions will be imposed as requested.

5.3 SCC Environmental Health –A condition requiring a scheme to protect houses from the noise generated by the adjacent transformer unit and commercial premises opposite to be submitted to the local planning authority and agreed in writing prior to the commencement of development.

5.4 SCC Sustainability Team – No objections raised subject to the imposition of conditions relating to the provision of 20% renewable energy, further details to be submitted regarding the green roof and the requirements to meet Code for Sustainable Homes level 3.

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. Density and Design
- iii. Residential Amenity;
- iv. Sustainability

6.2 Principle of Development

6.2.1 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 on previously developed land (paragraph 36 refers).

6.2.2 Paragraph 4.5.16 of the Core Strategy specifies that the Strategic Housing Land Availability Assessment (SHLAA) demonstrates that housing need in the city can be accommodated on identified sites without relying on windfall sites. All of the identified sites for housing are brownfield. As such the principle of developing the garden of an existing property to provide additional housing is no longer acceptable as a result of the update to PPS3.

6.2.3 Notwithstanding the above, and whilst there is a clear presumption against development on garden land, where it can be demonstrated that the existing character is not harmed and the contribution that the garden makes is limited to the character of that site and/or area, planning applications for development on garden land should be considered with regards to the context and character of the surrounding area.

6.2.4 The government's strategic housing and planning policy objectives in PPS3 have not changed. These include increasing sustainable, inclusive and mixed communities and delivering well designed housing in suitable locations. In addition, using land efficiently is still a key consideration in planning for housing (paragraph 45 of PPS3 refers). Good design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

6.2.5 The footprint of the proposed dwelling does not increase that of the existing outbuildings on the site. It will replace outbuildings which have a negative visual impact within the Mansion Road street scene with modern residential accommodation that responds to the character and context of the area. The level of accommodation provided would be suitable for a family, offers private amenity space and will meet required energy efficiency standards.

6.2.6 It is therefore judged that the benefits of this proposal outweigh the potential harm of development on garden land and the principle of development on this site should be accepted.

6.3 Density and Design

6.3.1 Density: The site is located within a medium accessibility area. The proposed density of 82 dwellings per hectare accords with requirements of policy CS5 which advocates net density levels of 50-100 dph in areas of medium accessibility.

6.3.2 Design: In order to overcome the previous reasons for refusal the agent has designed a bespoke building to overcome the constraints of the site and respond to the context of the existing street scene through a modern design solution.

6.3.3 The design takes on a contemporary feel with the use of timber cladding and zinc finishing's to complement its simple form. To the rear, its single storey element reduces the overall bulk and massing of the building whilst giving an additional living area and providing opportunity for a 'living' green roof. The massing of the building is in proportion with the surrounding street scene and respects existing build lines.

6.3.4 Cycle and refuse storage is provided to the front of the property and has been designed to form the boundary facing the street frontage. It is considered that this is a good use of space and will resolve issues of having to walk bicycle and bins through the property to the rear of the site.

6.3.5 However, it is considered that the height of the cycle store is too great and should be reduced to 1m. Having discussed this with Highways DC officers it is agreed that a reduction in the cycle stores height will not restrict its use. A condition requiring revised plans to be submitted is recommended.

6.3.6 A car free scheme is considered acceptable given that the site is located within a medium accessibility area and within walking distances of local shops and amenities as well as the Shirley town Centre.

6.3.7 The proposed development will make a positive contribution to enhancing the character of the street scene as advocated within paragraphs 3.7.6 – 3.7.9 of the residential design guide. Its layout would respect the urban grain and not detract from its existing character in accordance with saved policies SDP1, SDP7 and SDP9 of the local plan review.

6.4 Residential Amenity

6.4.1 The design and layout of the building ensures that neighbouring dwellings are not overlooked yet future occupants will benefit from natural light and outlook to and from habitable rooms.

6.4.2 The property will be visible from neighbouring gardens but will not affect light or outlook to and from these dwellings.

6.4.3 In order to ensure the residential amenity of neighbouring properties is retained conditions removing the dwellings permitted development rights and preventing any means of enclosure around the flat roof will be imposed.

6.4.4 Garden sizes within the surrounding area vary. Whilst older properties retain a more generous garden provision there are clear examples of infill developments within the area that have reduced garden sizes.

6.4.5 Whilst not complying with the amount of amenity space required by paragraph 2.3.14 of the residential design guide for detached houses, it is considered that the provision of 50m² of amenity space is sufficient given the size of the dwelling proposed. Furthermore, the amenity space proposed is useable and fit for purpose. It will receive good amount of sunlight and daylight and is private. Similarly, it is considered that the level of amenity space retained for 58 Park Road, by reason of its usability and good levels of sunlight and day light retained will be fit for purpose.

6.5.6 The mix of commercial uses within the immediate area is not considered to be detrimental to the quality of residential environment achievable on this site. Appropriate conditions can be imposed to mitigate against potential noise disturbance to residents from these uses.

6.4.7 For the reasons discussed it is judged that the proposal meets the relevant requirements of the residential design guide and saved policies SDP1 and SDP9 of the local plan.

6.5 Sustainability

6.5.1 The proposal meets policy CS20 of the Core Strategy through its provision of a green roof and the applicant's intention to meet code for sustainable homes level 3. Appropriate conditions will be imposed to ensure that the development is built to this standard.

7.0 Summary

7.1 The principle of development within garden land is accepted due to the footprint and layout of existing outbuildings within the application site.

7.2 In visual terms the proposals will bring improvements to the street scene, and the additional residential accommodation will contribute to the available mix of accommodation with Southampton.

7.3 The proposed development will not harm the existing residential amenity of neighbouring dwellings.

8.0 Conclusion

8.1 This application has been assessed as being acceptable to residential amenity and its local context. 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(a), 2(b), 7(c), PPS3 (2010) and the Residential Design Guide.

BG for 31.08.2010 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 & samples of building materials to be used [Pre-Commencement Condition]

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

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 - 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.,

Class F (hard surface area)

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.

04. 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.

05. 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). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009) – CSH has since replaced Eco Homes for new build developments.

06. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

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 20% CO2 emissions [as required in core strategy policy CS20] 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 [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development 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)

07. Approval Condition – Green Roof [Pre-commencement condition]

Prior to the commencement of works, details relating to the implementation, management and maintenance of the green roof (to include the proposed species, heights and density of planting) hereby approved shall be submitted to and agreed in writing by the local planning authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22

(Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

08. APPROVAL CONDITION - Boundary fence [Pre-commencement Condition]

Prior to the commencement 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.

09. Approval Condition - Cycle & Refuse store details [Pre-Commencement Condition]

Notwithstanding the development hereby approved, details and plans of the proposed cycle and refuse store must be submitted to the local planning authority and approved in writing prior to the commencement of development. The plans must amend the height and scale of the cycle store as shown on drawings C10/62.03 and C10/62.05 and show full details of the proposed refuse store, including elevations. The development shall be built in accordance with the agreed details and thereafter retained at all times for the purposes for which it is provided.

Reason

To encourage cycling as an alternative form of transport and to ensure a scale of development that enhances the character of the street scene.

10. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)

Detailed plans specifying the areas to be used for contractors vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

Reason:

For the avoidance of doubt and in the interests of the amenities of nearby residents.

11.

Approval Condition – soundproofing [Pre-Commencement Condition]

Details of measures to make provision for soundproofing so as to protect the occupants of the dwelling units from nearby sources of noise nuisance shall be submitted to and approved by the Local Planning Authority before the development commences, such measures shall include windows of sealed double glazed units fitted with acoustic trickle vents. The agreed scheme of soundproofing shall be fully implemented to the satisfaction of the local planning authority before the dwelling units hereby approved are first occupied.

Reason

To protect the amenities of the occupiers of the proposed dwellings.

12. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

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

Reason:

In the interests of highway safety.

13. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from noise from the adjacent transformer and commercial units (including the body/car repair workshop and public house) has been submitted to and approved by the local planning authority in writing.

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before the dwelling is first occupied and thereafter retained at all times.

Reason:

In order to protect occupiers of the flats from traffic noise.

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)

CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP13	Resource Conservation
SDP16	Noise

Supplementary Planning Guidance

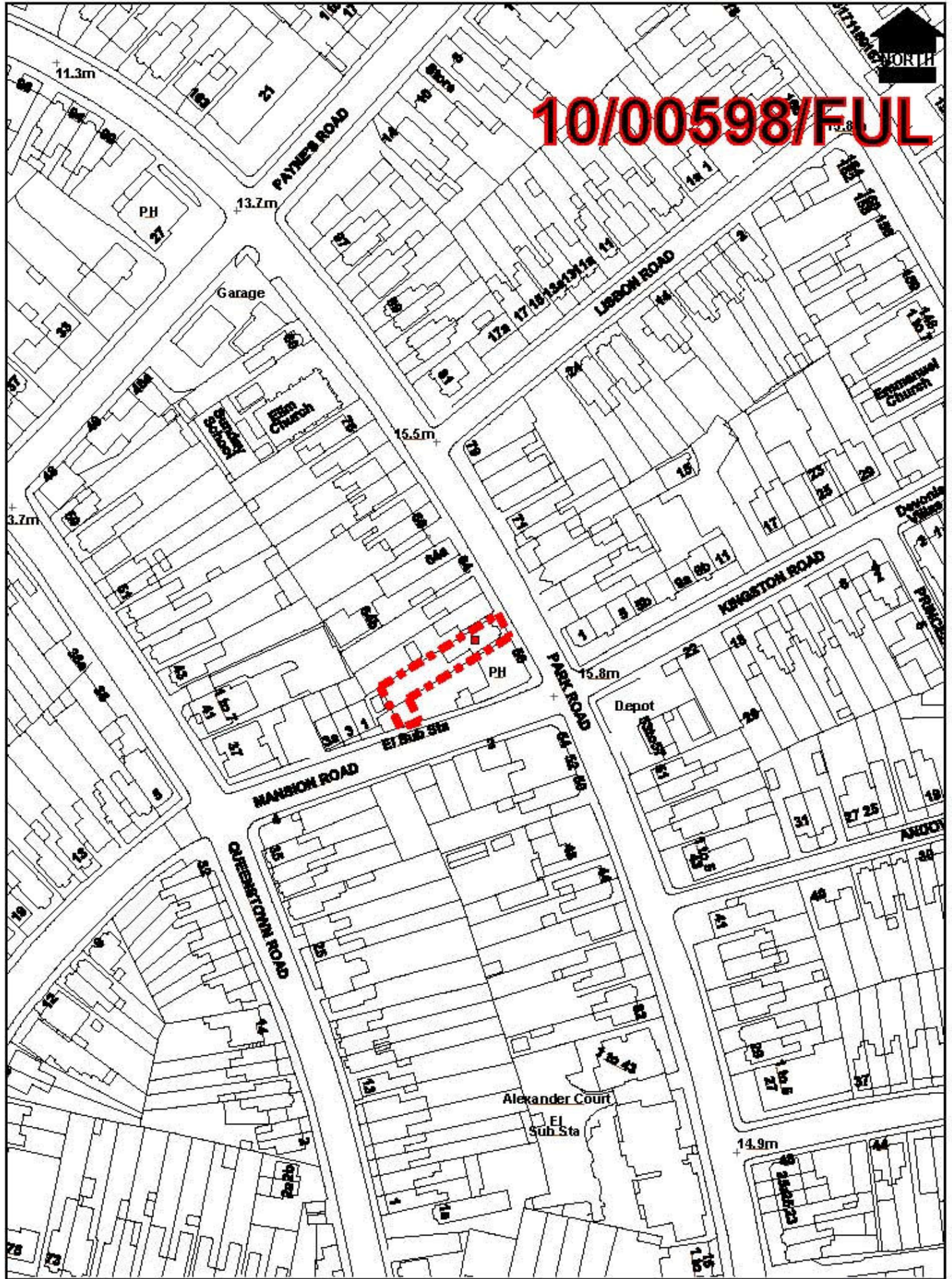
Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (2010)
PPG24	Planning & Noise (2004)



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Scale : 1:1250

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