

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 88 - 90 High Road, Southampton			
Proposed development:			
Erection of a 2 storey building to create 4 x 1 bed flats with associated cycle/refuse stores (outline application seeking approval for access, appearance, layout and scale)			
Application number	10/00653/OUT	Application type	Outline
Case officer	Stuart Brooks	Public speaking time	

Applicant: Mr Robert Poswall	Agent: Mr Rob Wiles
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Recommendation Summary	Delegate to Planning and Development Manager to refuse planning permission subject to criteria listed in report
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Appendix attached			
1	Development Plan Policies		

Reasons for Refusal

Reason 1 – Impact on character of the local area

The proposed development would involve the development of a private residential garden contrary to the guidance contained within Planning Policy Statement 3 (Housing - published June 2010) which requires priority to be given to developments on previously developed land. The City Council, as local planning authority, has identified sufficient development land to meet its housing target through its Core Strategy and Strategic Housing Land Assessment. The application site is not within a list of such recognised or committed sites. Due to it's backland location and having regard to the existing pattern of development in the area the proposal is also considered to be out of character with the surrounding context defined by the wider spatial character and appearance of the local area which mainly consists of rear garden land with typically ancillary small scale buildings.

The proposal would therefore prove contrary to Policies CS4, CS5 and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the saved policies SDP7 of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant

sections of part 3 of the approved Residential Design Guide Supplementary Planning Document (September 2006).

Reason 2 – Risk of crime

The main access route to the proposed residential units formed by the layout of the proposed boundary treatment to the garden of the existing property at 88 High Road is not designed to minimise the opportunity for crime as there is a lack of natural surveillance to the detriment of quality of the residential environment for future occupiers. Furthermore, the proposed post and rail fencing is considered to be a wholly inappropriate form of boundary treatment as an effective security measure adjoining the existing car park area to the north.

The proposal would therefore be contrary to saved policy SDP1 of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of part 4 of the approved Residential Design Guide (September 2006).

Reason 3 – Tackling climate change

The application fails to demonstrate that the proposed development would contribute towards the council's objective of adaptation to and mitigation of climate change, by committing to an improvement of energy and water efficiency; furthermore measures proposed to reduce surface water run off have not been detailed.

Accordingly the scheme fails to comply with policy CS20 of the Core Strategy Local Development Framework Core Strategy Development Plan Document (January 2010).

Recommendation in Full

Refusal.

1.0 The site and its context

1.1 This application site comprises of two storey semi-detached building containing commercial units at ground floor level, including a restaurant, fronting High Road and residential units on the rear and above floors. These units are accessed from the side pedestrian passageway. The site is located within the Swaythling Local Centre. The Local Centre frontage is characterised by mainly two storey properties of varying form and style with a mix of retail and other commercial units on the ground floor. To the rear of the site and separated from it by a rear access road (Parkville Road) are the rear gardens and elevations of a row of detached and semi-detached houses.

1.2 The application site is an extensive grassed area to the rear of 88-90 High Street which is directly accessible by the occupiers of the residential units in the

existing property. The area provides space for bin storage and clothes drying and appears to form a private residential garden. This is in immediate proximity to the private gardens of residential properties to the east and south of the site which benefit from small scale ancillary buildings and define the prevailing character of the local area. There is a hard surfaced area to the north bounding the lower end of the garden, and a number of tall trees provide a green setting to the south within the adjoining garden.

2.0 Proposal

2.1 Outline Planning permission comprising details of access, appearance, layout and scale is sought. The intention is to subdivide the existing curtilage and erect a 2 storey building to create 4 x 1 bed flats with associated cycle/refuse stores. Separate curtilages for the flats to the rear of the existing property be provided. Access to the site (for pedestrians only) will utilise the existing side access onto High Road between the neighbouring property 86 High Road A refuse collection point situated close to the public highway is provided.

2.2 The characteristics of the application site and the new curtilage formed for the existing properties are set out below.

Site density – 133 dwellings per ha

Site coverage – 41%

Private useable amenity for both ground floor units – 27 and 24 sqm

Shared communal space for all flats – 57 sqm

Private amenity space for flats rear of 88 High Road – 45 sqm

Private amenity space for flats rear of 90 High Road – 56 sqm

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton 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 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).

3.3 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).

3.4 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.

3.5 Policy CS20 (Tackling climate change) of the Core Strategy requires the development to demonstrate that a minimum of level 3 can be met under Code for Sustainable Homes. This commitment should be alongside incorporating measures such as using renewable energy to contribute towards the council's objective of adaptation to and mitigation of climate change by committing to an improvement of energy to reduce carbon dioxide emissions, and water efficiency.

4.0 Relevant Planning History

4.1 The planning records show that the following applications have been previously considered at the application site and adjacent sites which are related:-

1574/M68 - Change of use from shop to takeaway food shop – CAP 28.10.1980

05/01199/FUL - Change of use to office (Use Class B1) – SCCWDN 29.12.2005

06/01432/FUL - Change of use from retail (A1) to a restaurant/takeaway (A3 and A5) – CAP 13.11.2006

100 - 102 High Road

07/00312/FUL - Redevelopment of the site. Demolition of the existing buildings, erection of a two-storey building for retail use fronting High Road and a three/two-storey block of 13 flats at the rear (8 x 1 bedroom, 4 x 2 bedroom, 1 x 3 bedroom flats) with associated parking – CAP 18.10.2007

Area Housing Office, Youth Centre and car park site Parkville Road and land on south side of Parkville Road at rear of 96-102 High Road

08/01489/FUL - Redevelopment of the site. Demolition of the existing buildings and erection of new buildings (part two-storey, part three-storey, part four-storey and part fourteen storeys) to provide a mixed use development comprising a Medical Centre, community use, retail use and 81 flats (40 x two-bedroom, 41

one-bedroom) with associated parking, landscaping and access facilities (amended application to ref. 08/00081/FUL to include additional land) – CAP 09.01.2009

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. At the time of writing the report 3 representations have been received from surrounding residents. A summary of these comments are set out below.

5.2 **Properties built in rear gardens should be rejected in this location, as this will set a precedent for further applications in adjoining plots to the rear of shops in High Road.**

Response

Each application should be considered on its own individual merits to consider whether the land is classified as previously developed land, the land is suitable for the form and density of development proposed in terms of the character and quality of the area and the residential amenity of nearby occupiers.

5.3 **Parkville Road is a private road that cannot be used for access during construction.**

Response

The use of private land is not enforceable by the Local Planning Authority. The applicant has not demonstrated that there is right of access to this road, or shown an intention to use the road during construction. Details can be sought and agreed with the applicant to ensure the access for construction vehicles will be via an alternative route.

5.4 **SCC Highways** – The Highway Officer has raised no objection, subject to reducing the number of bins; the bin collection point should not be marked by any structure or boundary treatment; the 30m refuse carry distance only applies to refuse bags, there are no distance restrictions for pushing wheelie bins so collection point can be adjacent to the public highway; and provide details of material storage during construction.

5.5 **Southern Water** - No objection raised, subject to the applicant applying for a connection to the public sewer.

5.6 **Hampshire Constabulary Crime Prevention Team** - Objection raised, as the access route into the property does not conform to a well designed path that minimises the opportunity for crime. The proposed post and rail fencing is wholly inappropriate as an effective security measure for the part of boundary of

the proposed development bordering the car park.

5.7 SCC Heritage Conservation Team – Objection raised to the installation of the decking which detract from the character and appearance of the historically important façade, however, no objection raised to the use of tables and chairs and rope rail on posts on a daily basis.

5.8 SCC Council Tax - The property at 88A High Road is registered under Council Tax records being a residential property.

5.7 Sustainability Team - Objection raised, as the pre-assessment estimator indicates that the development will achieve no code level.

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. Residential Environment;
- iii. Amenity of Neighbouring Occupiers;
- iv. Highways and Parking;
- v. Design, and Impact on Established Character;
- vi. Tackling Climate Change

6.2 Principle of Development

6.2.1 The characteristics and layout of the application site are considered to represent part of the curtilage of a private residential garden in terms of the large open grassed space fit for family use which is directly accessible from the rear residential units. SCC Council Tax department have confirmed that the property at 88A High Road is registered under Council Tax records as being a residential property.

6.2.2 Therefore, the proposed development would involve the development of a private residential garden, where this class of land is excluded from the definition of previously developed land (although it may feature paths, pavilions and other buildings), contrary to the guidance contained within Planning Policy Statement 3 (Housing - published June 2010) which requires priority to be given to developments on previously developed land.

6.2.3 The City Council, as local planning authority, has identified sufficient development land on previously developed land in the city to meet its housing target through its Core Strategy under policy CS4 (Housing Delivery) and Strategic Housing Land Assessment. The application site is not within a list of such recognised or committed sites.

6.2.4 The proposed development is measured to have a density of 133 dwellings per hectare which does not generally accord with the density requirements of policy CS5 and, therefore, is not considered a suitable level of development for this location.

6.2.5 The principle of redevelopment is, therefore, not accepted taking into account recent government planning guidance set out in PPS3.

6.3 Residential Environment

6.3.1 The ground floor flats will have direct access to private useable space comprising of 27 and 24 sq m, and there be 57 sq m of shared communal space to the front of the building for all flat occupiers. This space is meets the minimum standards set out in the Council's Residential Design Guide, and the quality of the space is considered fit for purpose. The remaining private amenity space for flats rear of 88 and 90 High Road will be 45 sq m and 56 sq m, separated by a 1.8 tall close boarded fence, which again meets the minimum standard required and the quality of the space is suitable.

6.3.2 The Crime Prevention Officer has raised an objection, as the access route into the property does not conform to a well designed path that minimises the opportunity for crime. As the height of the close boarded combined with the 90 degree turn will create an enclosed alleyway that lacks natural surveillance to ensure a safe access as occupiers enter and leave the property. Furthermore, the proposed post and rail fencing is wholly inappropriate as an effective security measure for the part of boundary of the proposed development bordering the car park.

6.3.3 As such the proposal will create an unsecure access increasing the risk crime to the detriment of quality of the residential environment for future occupiers and therefore be contrary to saved policy SDP1 of the City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of part 4 of the Residential Design Guide.

6.4 Amenity of Neighbouring Occupiers

6.4.1 The layout and scale of the proposed development will not prejudice residential amenity of the future occupiers considered for the residential development under permission 07/00312/FUL at 100 – 102 High Road.

6.4.2 Shadow diagrams supporting the application shows that the massing of the two storey building will not excessively overshadow the amenity space of neighbouring properties. The layout of the building in relation to adjacent properties will meet the minimum back to back separation distance of 21 metres between habitable room windows to ensure no adverse loss of privacy to

neighbouring occupiers. Furthermore, the layout of the proposal when viewed from the adjoining garden space at 86 High Road is long and open enough not to significantly dominate the outlook of the neighbouring occupiers.

6.4.3 As such the impact on neighbouring occupiers is considered to be acceptable and the proposal will therefore comply with policies SDP1 and standards of the Council's Residential Design Guide.

6.5 Highways and Parking

6.5.1 The principle of a car free residential development is acceptable in this medium accessible location in close walking distance to local amenities and main bus route on Burgess Road and High Road. The Council's Highways Officer has raised no objection to the layout of the access and cycle storage, however, has advised on improvements which can be secured under condition to reduce the number of bins serving the development, not enclose the bin collection point with any structure or boundary treatment, there are no distance restrictions for pushing wheelie bins so collection point can be adjacent to the public highway. Further details of material storage during construction should be agreed by the Local Planning Authority.

6.5.2 As such the proposal is considered to have an acceptable impact on highway safety to comply with policy SDP1 of the Local Plan Review and CS19 of the Core Strategy.

6.6 Design, and Impact on Established Character

6.6.1 It has been demonstrated by the applicant that the layout and massing of the building will have an acceptable impact on the residential amenity of neighbouring to meet the standards set out in the Residential Design Guide in terms of level of outlook, privacy and light. The design of the proposed building, principle of car free development, and layout of cycle and bin storage is judged to be acceptable.

6.6.2 Whilst these above elements of the proposal are mostly acceptable, the layout of the proposed development, and in particular its backland location, is judged to be out of character with the context of the prevailing spatial pattern of development in the local area which mainly consists of rear residential private gardens to the east and south of the site containing small scale ancillary buildings with properties mainly facing back to back.

6.6.3 The agent was requested at pre application stage to provide supporting information to demonstrate that the proposed building would be in keeping with the context of the visual character of the local area. In response, the Local Planning Authority considers that the two storey building at the lower end of the garden would stand alone in isolation not formally addressing the street frontage

as is typical of surrounding development.

6.6.4 Additionally the two storey height, scale and massing of the building would be out of context with the small scale proportions of the ancillary structures found in the rear gardens which surround the site. Whilst, residential and commercial developments of a larger scale have been recently approved nearby (a tower building on a key gateway site to the city, and part 2 to 3 storey building to the rear of 100 - 102 High Road) these sites formally address the street frontage as a genuine landmark and infill plots rather than representing the type of backland development proposed by this application.

6.6.5 As such the proposal will have an unacceptable impact on visual amenity contrary to saved policy SDP7 of the City of Southampton Local Plan Review (March 2006) and policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the relevant sections of part 3 of the Residential Design Guide Supplementary Planning Document (September 2006) and Government Planning Policy Statement 3 (Housing - published June 2010).

6.7 Tackling Climate Change

6.7.1 The Sustainability Officer has raised an objection, as the pre-assessment estimator indicates that the development will achieve no level under Code for Sustainable Homes. This contrary to policy CS20 of the Core Strategy as the development should demonstrate that a minimum of code level 3 can be met. This commitment should be alongside incorporating measures such as using renewable energy to contribute towards the council's objective of adaptation to and mitigation of climate change by committing to an improvement of energy to reduce carbon dioxide emissions, and water efficiency.

6.7.2 Therefore, the application fails to demonstrate that the proposed development would contribute towards the council's objective of adaptation to and mitigation of climate change, by committing to an improvement of energy and water efficiency. Furthermore, measures proposed to reduce surface water run off have not been detailed and accordingly the scheme fails to comply with policy CS20 of the Core Strategy Local Development Framework Core Strategy Development Plan Document (January 2010).

7.0 Summary

7.1 The proposed development is considered to comply with the residential standards in terms of impact on neighbouring occupiers and quality of living conditions for future occupiers through provision of amenity space and other facilities such a refuse and cycle storage. However, whilst these elements of the scheme are judged to be acceptable, including the principle of car free development, the redevelopment of this rear amenity space, which is not

classed as previously developed land, is considered to be contrary to national guidance and, due to its back land location and scale and massing, out of context with the wider spatial character of the local area.

8.0 Conclusion

8.1 The application is recommended for refusal.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1 (d), 2 (c), 2 (e), 5 (e), 6(c), 7 (a), 7(c), 7(v), 7 (x), 9(a), 9 (b)

SB for 3

31.08.10 PROW Panel

POLICY CONTEXT

Core Strategy - (January 2010)

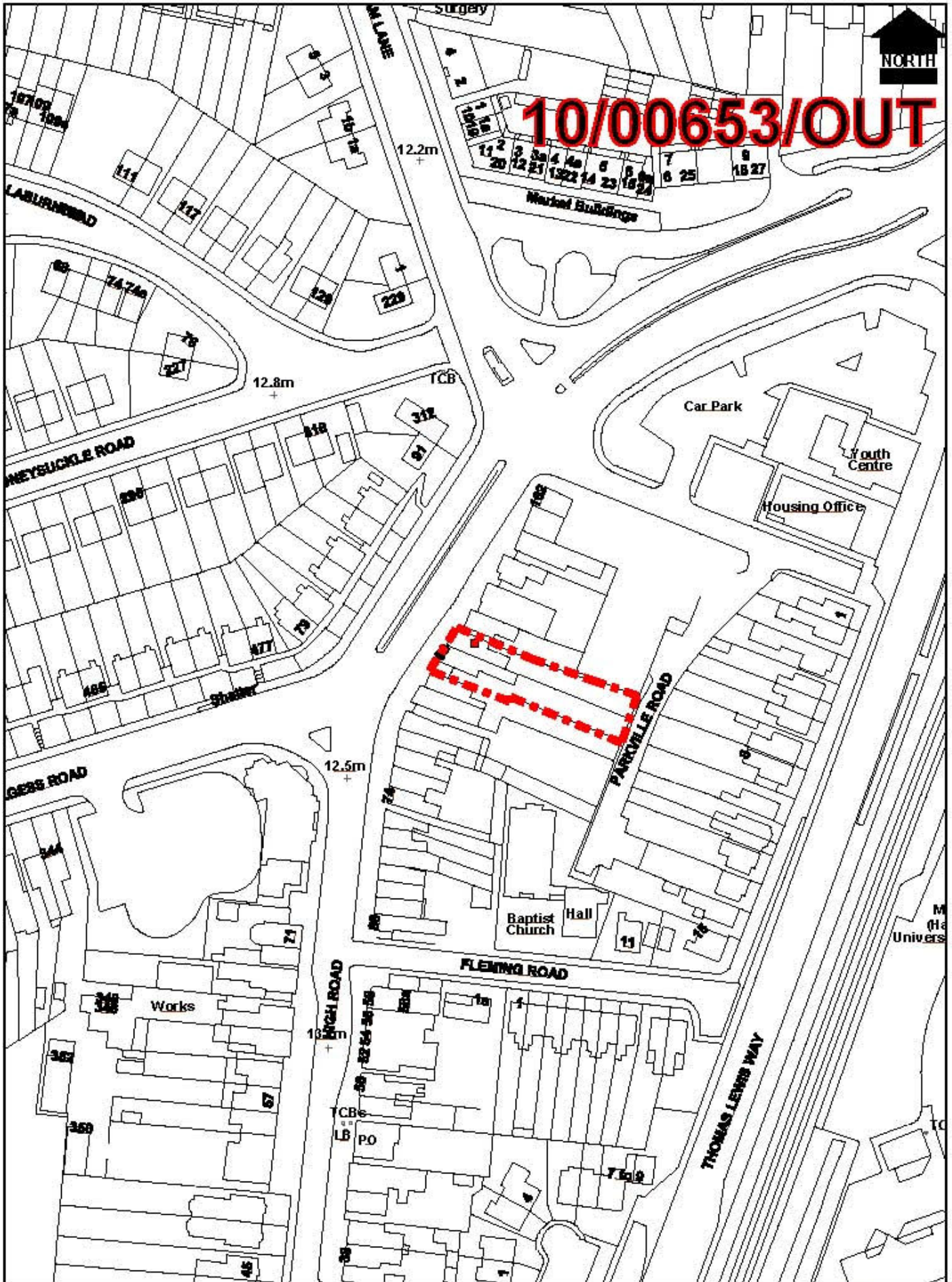
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H2	Previously Developed Land
H7	The Residential Environment
REI6	Local Centres

Other Relevant Guidance

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



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