

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

Application address:
 173 - 175 Upper Deacon Road

Proposed development:
 Erection of 2 x 3 bed semi-detached houses with accommodation in the roof space and formation of raised deck car parking area and bin and cycle storage underneath (Re-submission 10/00247/FUL)

Application number	10/00793/FUL	Application type	Full (Q.13)
Case officer	Andrew Gregory	Public speaking time	5 minutes

Applicant: Mr Andy Southcott	Agent: Mr Benedict Horsman - Plc Architects
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Recommendation Summary	Grant planning permission subject to conditions
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Reason for Panel Consideration

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

Reason for granting Permission

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

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

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 The application site comprises garden land at the rear of 173-175 Upper Deacon Road. The site is located at the corner with Caerleon Drive. The site sits below the carriageway on Caerleon Drive with an approximate level change of 2.5m. There are some Lawson Cypress Trees and mature scrub which enclose the north-eastern boundary. 175 Upper Deacon Road comprises a detached two-storey dwelling with a detached garage there is approx a 1m level change to the rear garden. No. 173 Upper Deacon Road comprises a two storey semi-detached property.

1.2 The surrounding area is predominantly residential in nature comprising two-storey detached and semi-detached properties. The adjacent corner is occupied by a 2.5 storey flatted block.

1.3 The site is within a zone of medium accessibility but is otherwise unallocated on the City of Southampton Local Plan Review Proposals Map.

2.0 Proposal

2.1 The application proposes the sub-division of the gardens of 173-175 Upper Deacon Road and the erection of a pair of two-storey, 3 bedroomed, semi-detached dwelling houses, each with accommodation in the roof. The building reads as a chalet-style bungalow from the road frontage and a two-storey dwelling from the rear on account of the site topography. The building has a barn-hip roof design with modest dormers in the front roof slope and porch canopy over the entrance to both properties.

2.2 The new barn-hip roof design and pulling the development away from the northern boundary by 3m - (achieved by the amended semi-detached design), represent the main amendments over the previously refused scheme.

2.3 On-site car parking space for 2 cars per dwelling is shown to the front with dropped kerb access onto Caerleon Drive. (This exceeds the Council's maximum standards: a condition is suggested to reduce this to one space per dwelling, to also allow some modest enclosure to the plot, creating separation between the public and private realms.

2.4 Stepped access is provided to the rear enclosed by a brick wall and railings. This would lead past a sunken cycle store, positioned below the front forecourt for each plot. The rear boundary is enclosed by close boarded fencing.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 Developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

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

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

3.5 The adopted Core Strategy (in Policy CS4 Housing Delivery) indicates that 16,300 additional homes will be provided over the plan period, with 5,750 homes to be provided on allocated and identified sites between April 2009 and March 2014. The figures demonstrate that the city has a housing supply from identified sites sufficient to meet requirements until and beyond 2018/19, without reliance on windfall sites. The change to the definition of PDL, and the Council's current predicted supply, means that the principle of development will now be an issue for new windfall proposals for housing units to be built entirely on private residential gardens (often termed "garden grab").

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

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

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

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

4.0 Relevant Planning History

4.1 10/00247/FUL (Refused 22.04.2010) for: erection of 2x3-bed, 2-storey detached houses with accommodation in the roof space and formation of a raised deck car parking area with bin and cycle storage underneath.

4.2 The application was refused because it represented an un-neighbourly and unduly dominant form of development by reason of its design, height and proximity to the retained gardens of 173 and 175 Upper Deacon Road. In addition, the proposal failed to demonstrate commitment to the Code for Sustainable Homes or a low carbon development.

5.0 Consultation Responses and Notification Representations

5.1 A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice. At the time of writing the report **no** representations had been received.

5.2 **SCC Highways** - No highway objection subject to planning conditions. The development is not considered to compromise highway safety. Bin storage should be relocated to the front of the property owing to the inconvenience of bringing bins up a flight of steps to the front forecourt of each dwelling on collection day. The provision of 4 spaces exceeds the Councils maximum car parking standards which allows a maximum of 1 space per dwelling.

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

5.4 **Trees** – No objection subject to conditions regarding tree retention and safeguarding of the silver birch in the rear garden of 53 Caerleon Drive, no storage under tree canopy and no overhanging tree loss.

5.5 **Environmental Health (Land Contamination)** – Potentially contaminated site; adequate assessments will need to be carried out on site to determine the likely presence of contaminants. Planning conditions recommended.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- i. The principle of development;
- ii. Design, Density & Impact on Established Character;
- iii. Residential Amenity;
- iv. The quality of residential environment for future occupants; and,
- i. Whether the travel demands of the development can be met.

6.2 Principle of Development

6.2.1 The proposal involves the development of garden land and therefore the application needs to be considered against the recent changes to PPS3 which have removed private residential gardens from the definition of previously developed land. However whilst there is clearly an increased focus on delivering the majority of new housing on previously developed land, national and local planning policy does not prevent the delivery of housing on undeveloped land, where appropriate. Consideration must be given to making the best use of land, impact on the character and appearance of the area and the promotion of development in sustainable locations to reduce the pressure for development on green field sites and protected open spaces.

6.2.2 The proposed development is not considered to compromise the character and appearance of the area. The proposed layout of buildings and gardens will not harm neighbouring residential amenities and the resultant plot sizes meet and exceed Residential Design Guide standards.

6.2.4 The proposed development of 2 houses is acceptable in principle and accords with policies contained within the development plan and central government's wishes to promote sustainable and efficient use of land for housing development, providing that the character of an area is not compromised. The level of development of 53 dwellings per hectare (dph) fits within the density parameters for the site (of between 50 and 100dph). The provision of genuine family housing is welcomed and fulfils the requirements of policy CS16 of the Core Strategy.

6.2.5 The previous reasons for refusal are considered to have been addressed with the new barn-hip roof design revised and development pulled away from the northern boundary by 3m - (achieved by the amended semi-detached design). This has also reduced the building's dominance and degree of enclosure to the retained gardens of 173 and 175 Upper Deacon Road. The requirement for the development to meet Code level 3 and a 20% reduction in CO₂ emissions in accordance with policy CS20 of the Core Strategy can be secured by planning conditions.

6.3 Design & Density

6.3.1 A Design and Access Statement has been submitted which identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design. The proposed design, layout and scale of development is not considered to be adversely harmful to the surrounding pattern of development. The proposal has taken into account the previous reason for refusal by amending the roof design to provide a barn-hip roof, this provides an improved reference to the established properties over a fully gabled roof, and a barn-hip provides a better scale and massing than a fully hipped roof in this two-storey street scene. The introduction of modest dormer windows will not detract from the appearance of the street scene.

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

6.4 Residential Amenity

6.4.1 The residential amenities of nearby residents will not be adversely harmed. No third party objections have been received. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties. The proposal is considered to address the previous reasoning for refusal and satisfies the guidance within the Council's Residential Design Guide SPD.

Residential Standards

6.4.2 All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting. Each property is provided with 10m long gardens which provides an acceptable amount of private usable amenity space.

6.5 Highways and Parking

6.5.1 The application site is within an area, which is defined as a "medium" accessibility zone in the Adopted Local Plan. The level of parking provision proposed needs to be assessed against the maximum parking standards set out in the adopted Local Plan. The development proposes 4 car parking spaces which exceeds the Councils Maximum Car Parking Standards. The number of car parking spaces will be reduced to a maximum of 2 spaces by condition. The level of parking provision and access arrangement will not prejudice highway safety.

7.0 Summary

7.1 Overall the scheme is acceptable and the level of development proposed will not

result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The proposal is consistent with adopted local planning policies. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected.

8.0 Conclusion

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

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

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

AG 11.08.10 for 31.08.10 PROW Panel

CONDITIONS for 10/00793/FUL

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Refuse & Recycling Bin Storage – [Pre Occupation Condition]

Notwithstanding the bin storage shown on the submitted plan, a revised plan shall be submitted shall be submitted to and approved by the local planning authority in writing, showing each dwelling with an enclosed refuse store within the front part of each plot. This 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 facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

The submitted refuse store would involve bringing a laden bin up a flight of steps, which is likely to have proven most impracticable. A bin enclosure to each dwelling is considered necessary in the interests of the visual appearance of the building and the area in general.

04. APPROVAL CONDITION – Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

Reason

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

05. APPROVAL CONDITION – Boundary treatment [Pre-Occupation Condition]

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the partial enclosure of each front forecourt, having regard to the planning condition 09 below. That positioned to the front boundary and returning alongside the steps leading down to each garden shall not exceed 600mm in height above pavement level adjoining the site in Caerlion Road. 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, to ensure driver visibility is not impaired and to protect the amenities and privacy of the occupiers of adjoining property.

06. APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

REASON:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area. Also to protect the longevity of the Silver Birch tree in the back garden of 53 Caerlion Drive.

07. APPROVAL CONDITION - No other windows or doors other than approved
[Permanent Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

REASON:

To protect the amenities of the adjoining residential properties.

08. 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.

09. APPROVAL CONDITION - Car Parking

Notwithstanding the approved plans a maximum of 1 car parking space shall be provided for each dwelling hereby approved. The car parking area shall be laid out and surfaced before the use hereby permitted commences and shall thereafter be kept clear and maintained at all times for that purpose.

REASON: To prevent obstruction to traffic in neighbouring roads.

10. APPROVAL CONDITION Tree Retention and Safeguarding Pre Commencement Condition

The Silver Birch in the rear garden of 53 Caerleon, pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

11. APPROVAL CONDITION no storage under tree canopy

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the Silver Birch in the rear garden of 53 Caerleon Drive. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be

no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

12. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

13. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

14. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement Condition]

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.

15. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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.

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

The developer must advise the Local Planning Authority of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development. The development shall be carried out in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to safeguard the public sewer.

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

The dwellings shall achieve Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

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).

18. Cycle storage

A cycle wheel 'gutter' shall be provided as part of the new garden steps positioned at the side of each dwelling.

REASON:

To promote the use of sustainable forms of travel and to ensure that use of the cycle store and access to/from it remains as practicable as possible.

POLICY CONTEXT

LDF Core Strategy - Planning Southampton to 2026 – Adopted January 2010

The LDF Core Strategy now forms part of adopted development plan against which this application should be determined. The following policies are relevant:

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – Adopted Version (March 2006)

Whilst there are no site-specific policies relating to this site within the City of Southampton Local Plan Review - Adopted Version March 2006, the plan contains general policies applicable to this development. This application needs to be assessed in the light of the following local planning “saved” policies:

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
H2	Previously Developed Land
H7	The Residential Environment

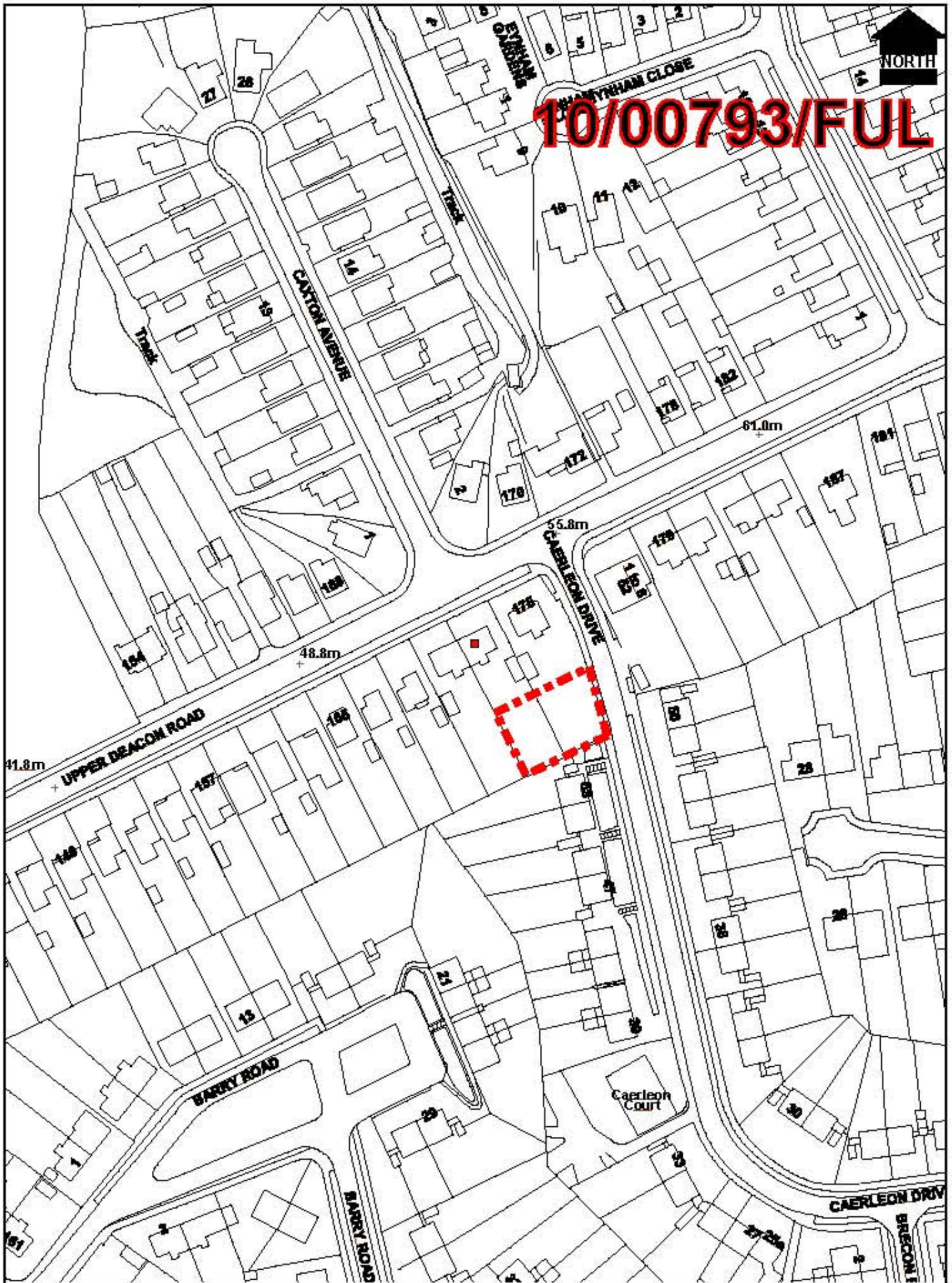
Supplementary Planning Guidance

The following SPD/G also forms a material consideration in the determination of this planning application:

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing (as amended)



10/00793/FUL

NORTH

Scale : 1:1250

Date : 16 August 2010

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