

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 26th October 2010
 Planning Application Report of the Planning and Development Manager

Application address: 187 Upper Deacon Road			
Proposed development: Erection of two storey 4-bedroom detached house with cycle store			
Application number	10/01094/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	18.10.2010	Ward	Bitterne
		Ward Councillors	Cllr Fuller Cllr Stevens Cllr Letts

Applicant: Kevin Goodson	Agent: Luken Beck
---------------------------------	--------------------------

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Reason for Panel Referral

To assess the implication of the recent change to PPS3 on this proposal for the development of garden land.

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations do not have sufficient weight to justify a refusal of the application for the reasons given in the report to the Planning and Rights of Way Panel on the 26.10.10. 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, SDP14, H1, 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

Conditionally approve

1. The site and its context

1.1 The application site comprises an area of residential curtilage to the side of 187 Upper Deacon Road. The site has been fenced off from the existing property and has a separate vehicular access from Upper Deacon Road. The existing property is set back from the front boundary approximately twice as far as the properties which neighbour the site.

1.2 The land slopes from west to east within the street meaning the application site is at a lower level than the neighbour at No. 191 Upper Deacon Road. The area has a suburban character and comprises a mix of detached and semi-detached properties which vary in design.

2. Proposal

2.1 The application proposes the construction of a four-bedroom detached house which is two-storey in scale with accommodation within the roof space served by a rear facing dormer window. The property has a traditional design appearance with a pitched roof and double height bay window to the front elevation. A residential density of 33 dwellings per hectare would be achieved.

2.2 Over 100 sq.m of amenity space would be provided to the rear of the site and the rear garden would be 22 metres in depth. One car parking space would be provided to the front of the site and a purpose built store for two bicycles would be provided within the rear curtilage of the property.

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 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.

3.3 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.

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 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 There has been one previous application on this site for a garage and bay window extension approved in 1955.

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 (23.09.10). At the time of writing the report **0** representations have been received.

5.2 **SCC Highways** - No objection. Suggests conditions to minimise disruption to the adjacent highway during the construction process.

5.3 **SCC Sustainability Team** - No objection. Suggests conditions to secure level 3 of the Code for Sustainable Homes and the incorporation of renewables or low carbon energy sources.

5.4 **SCC Environmental Health (Pollution & Safety)** – No objection. Suggests conditions to minimise disruption to neighbours during the construction process.

5.5 **SCC Environmental Health (Contaminated Land)** - No objection. The site could be subject to historic land contamination and therefore conditions are suggested to investigate this and to secure any necessary remediation.

5.6 **SCC Trees** - No objection. Suggests conditions to protect an oak tree which overhangs the site during the construction process.

6.0 Planning Consideration Key Issues

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

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

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'. PPS3 indicates that the priority for development is still previously developed land. However, that is not to say that development on garden land is always harmful, but rather it needs to be balanced against the impact of the development on the character of the area and other planning policies which require the efficient use of land to provide housing.

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

6.3 Design

6.3.1 Upper Deacon Road is characterised by a mix of residential types and architectural styles, including detached and semi-detached housing. The existing site is significantly wider than is typical of the street and as such, the insertion of an additional dwelling can be achieved without appearing cramped within the street scene. There would be sufficient spacing between the side elevations of the proposed dwelling and the boundaries with the neighbouring properties to ensure the suburban character of the street is retained. In addition to this, the proposal would retain a generous rear garden for the existing property and provide a good sized rear garden for the proposed dwelling, in keeping with the spacious character of the area. As such, it is considered that in spatial terms, the development of garden land in this instance would not be harmful to the character of the area.

6.3.2 The appearance of the proposed dwelling is traditional and design features are incorporated which are typical of the street scene. A pitched roof form is chosen to enable to use of the roof space to provide further habitable accommodation and whilst the properties which immediately neighbour the site have hipped roof forms, pitched roof forms are present within the street scene. As such, it is considered that the property would appear as a sympathetic addition within the street scene.

6.4 Residential amenity

6.4.1 In terms of residential amenity, whilst the proposed dwelling would project further into the site than the neighbouring property at 191 Upper Deacon Road, the application property would be positioned at a lower level and the gap between the two properties would ensure that no harm to residential amenity would occur.

6.4.2 There are no habitable room windows within the east side elevation of the existing property at 187 Upper Deacon Road and the proposal would accord with the '45 Degree' code for outlook and daylighting to the habitable room windows in the front elevation of this property.

6.4.3 There is approximately 60 metres separation distance between the rear elevation of the property and the properties beyond the rear site boundary which comfortably exceeds the privacy distances required by the Residential Design Guide. A condition is suggested to prevent the insertion of windows within the first floor side elevations of the property to prevent any future overlooking issues from arising.

6.5 Residential Standards

6.5.1 The rear garden of the proposed dwelling exceeds the Council's maximum standards and would benefit from a good level of privacy. Outlook from habitable room windows would also be acceptable.

6.5.2 Cycle and refuse storage can be accommodated on the site which would meet the needs of the prospective occupiers and not have a significant impact on the street scene.

6.6 Highways and parking

6.6.2 The site lies within an area of "Medium Accessibility" for public transport and the level of car parking proposed would accord with the Council's adopted maximum standards. The access into the site benefits from good visibility and on-site turning would be provided to obviate the need for vehicles to back onto or off of the public highway.

7.0 Summary

7.1 The proposed development would be in keeping with the site and the surrounding area and would not have a harmful impact on residential amenity. The dwelling would provide a good residential environment for prospective residents and the provision of a family dwelling is welcome. The proposal is not at odds with the recent changes to PPS3 (as outlined above) or the Council's design guidance relating to established character.

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(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 26/10/10 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 - 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 - 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 contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

04. APPROVAL CONDITION - no storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. 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.

05. 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.

06. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]

All trees to be retained 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.

07. 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 scene 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.

08. 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.

09. 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.

10. 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).

11. 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 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).

12. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

REASON:

To avoid undue congestion on the site and consequent obstruction to access.

13. 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.

14. 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)

Class G (heating fuel store)

or Class H (satellite antenna or dish)

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.

15. 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 Local Planning Authority.

Reason:

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

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

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

Reason:

To protect the amenity and privacy of the adjacent property.

17. APPROVAL CONDITION - Refuse & Recycling Bin Storage – Details to be submitted [pre-commencement condition]

Notwithstanding the information already submitted, details of the elevations of the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

REASON:

In the interests of the visual appearance of the building and the area in general.

18. APPROVAL CONDITION - Cycle Storage [performance condition]

Cycle storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The cycle storage shall be thereafter retained.

REASON:

In the interests of the visual appearance of the building and the area in general and to promote alternative modes of travel to the private car.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

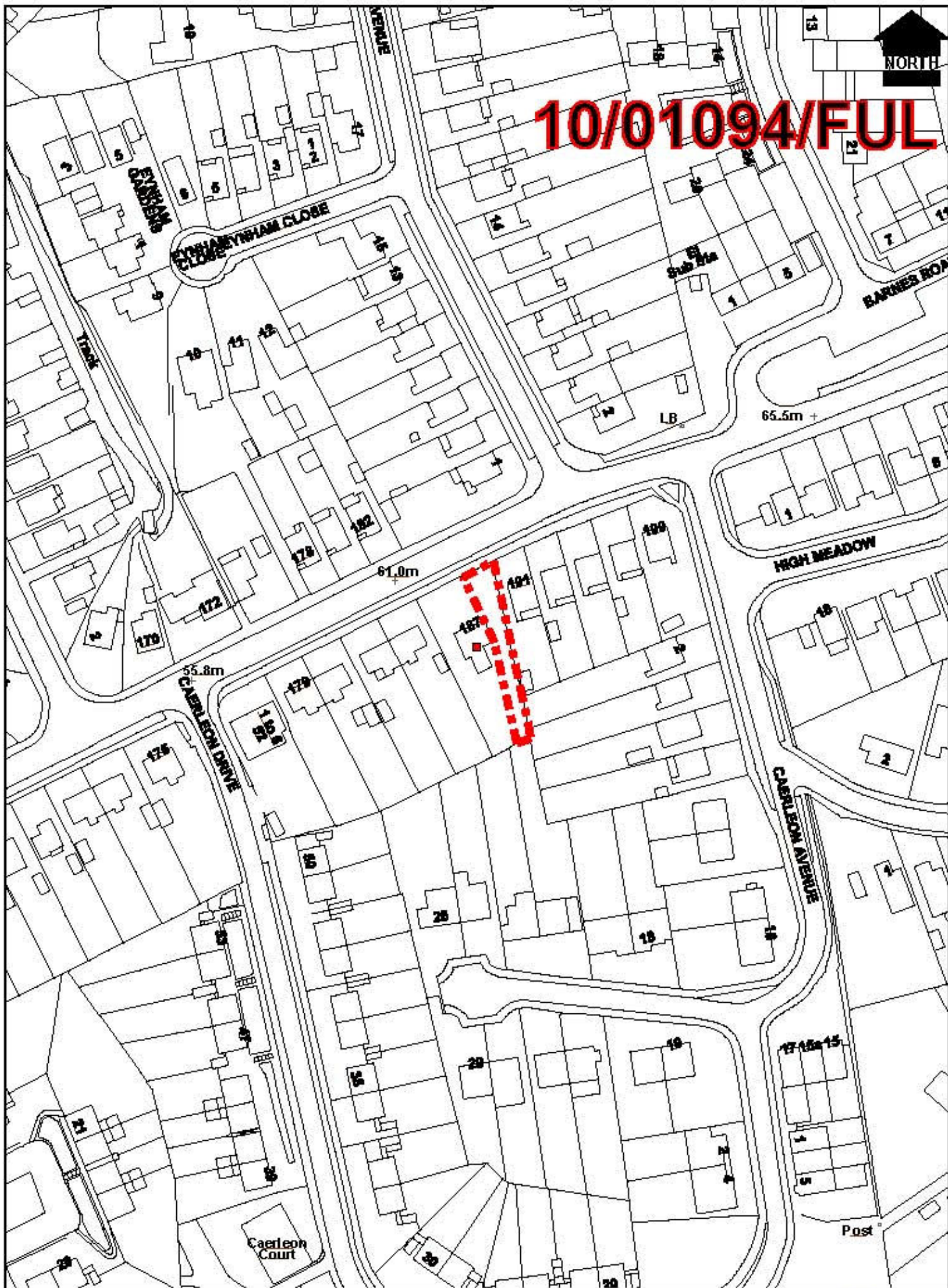
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

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



10/01094/FUL

Scale : 1:1250

Date : 15 October 2010

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

