

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 25.3.14
Planning Application Report of the Planning and Development Manager

Application address: Garages to rear of Elizabeth Court, Aberdeen Road, Southampton			
Proposed development: Redevelopment of the site. Erection of 2 x detached 3 bedroom dwellings with associated parking, refuse and cycle storage following the demolition of existing garages [Outline application seeking approval for Access, Appearance, Layout and Scale]			
Application number	14/00048/OUT	Application type	OUT
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	26.03.2014	Ward	Portswood
Reason for Panel Referral:	Request by Ward Member and more than five objections have been received	Ward Councillors	Cllr Vinson Cllr Norris Cllr Claisse

Applicant: Mr J Kimmish	Agent: Mr Rob Wiles
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Yes
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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. 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 as reported to the Planning and Rights of Way Panel on 25th March, including the previous appeal decision, 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, SDP5, SDP7, SDP9, SDP9, H1, H2, H7 and H8 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS19, CS20 and CS22 of the Local Development Framework Core Strategy (January 2010) and National Planning Guidance contained within the National Planning Policy Framework.

Appendix attached	
1	Appeal Decision and plans for 12/01289/OUT
2	Development Plan Policies
3	Relevant Planning History

Recommendation in Full

Subject to the receipt of satisfactory tree information being received in time for the Panel meeting conditionally approve.

1 The site and its context

- 1.1 The site is located to the rear of a three storey block of twelve flats located on Aberdeen Road and contains 30 largely underused garages. The site is bordered on the east side by a brick wall which separates the site from a car park serving a social club. The site is bordered to the north and south by residential gardens; boundary treatment is 1.8m high close boarded fencing.
- 1.2 Neighbouring the site to the rear, and on the East boundary, there is a mature Sycamore tree that is protected with a Tree Preservation Order.

2 Proposal

- 2.1 Outline planning permission for all matters except landscaping, is sought for two modern flat roofed, single storey, three bed dwellings and each would have two parking spaces and private rear gardens. The scheme has been submitted with the aim of overcoming the refusal reasons associated with the May 2013 appeal decision. Copies of plans and the PINS decision are attached at Appendix 1. The key changes that have been made to the scheme since the refusal can be summarised as follows:
- Current scheme proposes two dwellings reduced from four.
 - Layout amended to respect the TPO tree.
 - Scale reduced from two to single storey.

3 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 Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 The recent planning applications which relate to the site were both refused in 2012. Both sought the erection for 4 x 2 storey dwellings (reference 12/00279/OUT and 12/01289/OUT). The decision relating to the more recent of the two applications has been appealed and the appeal has subsequently been dismissed. The scheme was dismissed as the development represented an over-development of the site and insufficient information was provided relating to the protected tree adjacent to the site nearby.
- 4.2 The remaining planning history is given in **Appendix 3**.

5 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 (07.02.2014). At the time of writing the report **13** representations have been received from surrounding residents (including ward Cllr Vinson).

Summary of Comments:

- 5.2 Redevelopment cannot be justified due to current state of the site.

Response: The status and structural integrity of the garages on site is not a material consideration.

- 5.3 The proposal would lead to overdevelopment of the site.

Response: The revised scheme reduces the number of dwellings proposed from four to two and the density of the development is considerably lower than the surrounding area. The proposed density is 24 dwellings per hectare. The planning assessment will need to consider the acceptability of the proposals and, therefore, whether or not the scheme is an overdevelopment of the site.

- 5.4 The proposed dwellings may be changed into houses of multiple occupation in the future.

Response: This application seeks permission for the construction of 2 family dwelling units, separate consent would be required to convert them to houses of multiple occupation.

- 5.5 Parking pressure and highway safety of the local area.

Response: The Highways Officer is satisfied that the proposed development has satisfactory parking and would have an acceptable impact on highway safety. Parking is an amenity issue and is discussed in Section 6 of this report.

- 5.6 The proposal would block the current access to the refuse store of Elizabeth Court which will make refuse collection difficult.

Response: There is no public right of way though the site and therefore no planning reason to maintain access. Private arrangements need to be made to

manage refuse collection at Elizabeth Court. This is not a material planning consideration.

5.7 Impact of construction (noise and dust).

Response: Planning conditions can be imposed to control the impact.

5.8 Harm to neighbouring amenity - noise, loss of light and privacy.

Response: The Council must balance any potential harm against the positive aspects of the scheme – please refer to the planning considerations set out in section 6 of this report.

5.9 The boundary treatment should be of 1.8m high brick wall.

Response: Details of the boundary treatment can be secured through the use of planning conditions.

5.10 **Consultation Responses**

5.11 **SCC Highways** – No objection.

5.12 **SCC Sustainability Team** – No objection, apply recommended conditions.

5.13 **SCC Environmental Health (Pollution & Safety)** - No objection, conditions recommended.

5.14 **SCC Environmental Health (Contaminated Land)** – No objection, conditions recommended.

5.15 **SCC Ecology** - A bat survey should be submitted in support of a reserved matters or subsequent full planning application. Should demolition of the garages be scheduled to occur before the submission of a further planning application, a bat survey should be undertaken and submitted to the Local Planning Authority for agreement prior to demolition taking place.

5.16 The addition of gardens and green roofs to the site would provide good biodiversity enhancements if planted with appropriate species.

Response: Landscaping is a reserved matter however relevant conditions can be added with regards to ecology.

5.17 **SCC Historical Environment** – Should planning permission be granted the area should be subject to an archaeological evaluation, followed by further archaeological work. Conditions recommended.

5.18 **SCC Trees** – No comments received, an update will be provided at the Panel meeting, if received.

5.19 **SCC Rights of Way Officer:** There are no public rights of way issues within the site. No objection raised.

- 5.20 **CIL** – The development is CIL liable. The charge will be levied at £70 per sq m on Gross Internal Area of the new development.
- 5.21 **Environment Agency** – No objection.
- 5.22 **Southern Water** – No objection.

6 Planning Consideration Key Issues

6.1 The key issues for consideration are listed below however it is noteworthy that the previous reasons for refusal must have been addressed if the Council are to justify conditional approval.

- Principle of Development;
- Highways and Parking;
- Design and impact on established character;
- Impact on adjoining residential amenity;
- Impact on trees (**Previous reason for refusal**); and
- Proposed residential environment (**Previous reason for refusal**).

6.2 Principle of Development

6.3 The site is not safeguarded for any specific use and does not form part of a garden. The site is also hard-surfaced and contains garage buildings therefore it is considered previously developed. As such whilst the principle of residential development on this site is not opposed the acceptability of this 'back-land' development proposal will need to be determined with reference to the character of the area and context within which the scheme is located.

6.4 The previous Inspector commented that he did not consider that back land development is a characteristic of the surrounding area. That is not to say that a well designed back land scheme would automatically be harmful.

6.5 The principle of the redevelopment of the site for residential purposes is acceptable and will assist the Council in meeting its housing objectives. The addition of two family dwellings is also supported.

6.6 Highways and Parking

6.7 Highways safety was not previously listed as a reason for refusal and the revised scheme does not introduce any new issues to the scheme that should raise additional concern. Two parking spaces per dwelling are proposed.

6.8 The previous design and access statement confirms that the garages are at present not being used for the parking of vehicles. Having visited the site and witnessed the un-maintained nature of the garages, and access to them, this point is not in dispute. The Highways Team do not oppose the scheme and consider that the proposed use will generate fewer trips than when the garages were in use. At present there is no reason why the garages could not be brought back into use with immediate effect without the need of further planning permission.

6.9 Design and impact on established character

6.10 There are no back land developments of a similar nature to the proposal in the local neighbourhood. However, the previous appeal decision only raised character as an objection when considering the two storey height of the development because the development would be viewed from surrounding residential properties. As such it is considered that by removing the first floor the previously harmful impact on local character is removed.

6.11 Whilst the proposed residential density is relatively low compared to the surroundings it is not objectionable due to the constraints of the site and the previous reason for refusal. The proposed density of the development is 24 dwellings per hectare.

6.12 Owing to the back-land nature of the site the scheme can also afford to be a unique architectural response to the context. The proposed density of 24 dwellings per hectare is lower than the recommended density set out in the Residential Design Guide but is considered to be appropriate.

6.13 On the whole the design of the building is not objectionable as it would not harm the character of the surroundings and is of a sufficient standard to meet the objectives of LDF Policy CS13.

6.14 Impact on neighbouring residential amenity

6.15 As the building is single storey, and given that there are no significant changes in level between sites, no overlooking of neighbouring gardens and properties will occur provided boundary treatment is incorporated and retained where relevant.

6.17 The revised scheme has addressed the previous concern raised regarding windows overlooking neighbouring sites, and the potential to jeopardise future development potential of the neighbouring site.

6.18 The nature and scale of the development is not judged to harm neighbouring amenity and has been assessed as consistent with the aims of Local Plan Review Policy SDP1 (i).

6.19 Trees

6.20 Insufficient information regarding trees was one of the reasons for refusal for the previous scheme of four units. During appeal stage, the inspector disagreed with the appellant's submitted tree report, which suggested that the tree should be removed. The Inspector stressed that the tree is an important feature which pleasantly contributes to the character and appearance of the building (PINS Paragraph 15 refers)

6.21 At the time of writing the Tree Team are concerned with the lack of tree information provided, they have not noted that there are significant amenity trees adjacent to the site which could be affected by the development.

6.22 It is anticipated that further details will be provided prior to the Panel meeting, where an update can be given. In the event that either the information isn't received or is not satisfactory it would be reasonable to refuse the application on this basis.

6.23 Residential environment

6.24 The layout of the development within the plot has been redesigned. This has been achieved by a significant reduction in the quantum of development proposed, and by ensuring that no more than half of the site would remain hard-surfaced.

6.25 Each habitable room will achieve acceptable outlook, daylight and ventilation; and each dwelling has its own front garden with defensible space in front of habitable rooms, and private garden space.

6.26 The depth and size of rear garden serving both properties achieves compliance with our adopted residential standards. Rear gardens are capable of accommodating bin and cycle storage. The provision of amenity area for each property would be approximately 115m² and 160m².

6.27 The distance between habitable room windows at second floor level of the neighbouring development (Elizabeth Court) and proposed garden serving the closer of the two units to Elizabeth Court is 12.5m. This distance is considered to be sufficient enough to prevent significant loss of privacy for the occupants of the proposed residential unit.

7 Summary

7.1 The proposed scheme provides an acceptable residential environment for future occupiers without significantly affecting neighbouring amenity or the character of the local 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. The development will not lead to harmful levels of traffic, congestion or overspill parking within Aberdeen Road having regard to the Council's maximum car parking standards. Furthermore significant weight is given to the merits of housing delivery on this site.

At the time of writing the tree issue remains unresolved, although it is anticipated that further information will be provided and verbally updated at the panel meeting to resolve this.

8 Conclusion

8.1 It is judged that the two previous reasons for refusal have been adequately addressed and planning permission should be granted subject to conditions and the receipt of a satisfactory tree report.

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(b), 2(d), 4(f), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

MP for 25.3.14 PROW Panel

Planning Conditions

1. 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).

2. APPROVAL CONDITION - Approved Plans [Performance Condition]

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

3. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings.

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.

4. APPROVAL CONDITION - Boundary fence [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. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and retained thereafter.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

5. APPROVAL CONDITION – Cycle and refuse storage [Pre-Occupation Condition]

The cycle and refuse storage as detailed in the approved plans C13/093.03 should be erected on site prior to occupation and retained thereafter in perpetuity.

Reason:

To encourage cycling as an alternative form of transport and in the interests of visual amenity.

6. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Except for collection days only, no refuse shall be stored to the front of the buildings, the approved access drive or on the highway of Aberdeen Road hereby approved.

Reason:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

7. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]

The roof area of the residential units hereby approved which incorporates a flat roof surface shall not be used as a balcony, terrace, roof garden, amenity area or storage without the grant of further specific permission from the Local Planning authority.

Reason:

In order to protect the privacy and outlook of adjoining occupiers.

8. 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 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.

9. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

10. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

To ensure the development has minimised 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- 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.

12. 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.

13. 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.

14. APPROVAL CONDITION ' Archaeological evaluation investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason:

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

15. APPROVAL CONDITION ' Archaeological evaluation work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason:

To ensure that the archaeological investigation is completed.

16. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

17. 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.

18. APPROVAL CONDITION – Bat Emergence Survey [Pre-Commencement Condition]

Prior to demolition taking place, a Bat Emergence Survey shall be carried out on the site by a suitably qualified individual/organisation.

At least 21 days before works start on site (or as otherwise agreed in writing by the Local Planning Authority) the survey findings shall be made available to the Local Planning Authority.

If the presence of a bat roost is confirmed, appropriate mitigation and compensation measures shall be agreed in writing with the Local Planning Authority then implemented according to the agreed details.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity as the site is potentially of ecological interest.

Note to Applicant:

1. Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/s-environment/policy/community-infrastructure-levy-guidance.aspx> or contact the Council's CIL Officer.

2. Southern Water - Public Sewerage

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (www.southernwater.co.uk)

3. Storage of materials - It is the applicant's responsibility to ensure that any materials and equipment storage, and other operations throughout the period of work required to implement the development shall only be carried out within the site boundary. The granting of planning permission does not grant authority for any provision of temporary parking, and materials/equipment storage the on public highway or adjacent land.

4. European Protected Species Licence (EPS) - In relation to condition 20, it is noteworthy that if a bat roost is identified on the site a European Protected Species Licence will be required in order to undertake demolition.

14/00048/OUT

