

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 28.09.2010
 Planning Application Report of the Planning and Development Manager

Application address:			
87 Norham Avenue SO16 6QB			
Proposed development:			
Two storey 3 - bed end of terrace house with living accommodation in roof space and rear dormer window, associated parking and cycle/refuse storage			
Application number	10/00983/FUL	Application type	FUL
Case officer	Bryony Giles	Public speaking time	5 minutes
Last date for determination:	20.09.2010	Ward	Bassett
Reason for Panel referral	PPS3 garden land issue	Ward Councillors	Cllr Samuels Cllr Harris Cllr Hannides

Applicant: Mr Hossien Moghadam	Agent: Ms Julia Tremain
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Recommendation Summary	Conditionally approve
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Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The design of the proposed dwelling responds successfully to the context and character of the street scene. It provides an additional family sized home, which makes a positive contribution to the mix of housing available within this location. It also provides an appropriate residential environment for future occupants of the site. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' Policies - SDP1, SDP5, SDP7, SDP9, H1, H2, 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, CS16, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2010) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site is formed of an end of terrace dwelling located on the south eastern side of Norham Avenue, on the corner with Bladon Road

1.2 The surrounding area is predominately residential and characterised by two storey terraced dwellings with ground floor bay windows.

1.3 Garden sizes are modest and few properties have off road parking. However, the application site has off road parking to its rear, which is accessed via Bladon Road.

2. Proposal

2.1 The application seeks consent for the development of an additional dwelling on land currently within the curtilage of 87 Norham Avenue. Therefore, the proposal must be considered in relation to the recent changes to PPS3 which prescribe against development on land previously used for garden. It is for this reason the application is to be heard by the Planning and Rights of Way Panel.

2.2 The existing plot at 87 Norham Avenue is larger than any other within the immediate street scene. The proposed dwelling would infill the space between the north eastern boundary of the property and its boundary with Bladon Road. It is designed to reflect the prevailing pattern of development within the immediate area and mimics the scale and proportions of the existing terrace.

2.3 The application proposes a garden depth of 11m and an area of 50m² for both the proposed and existing dwellings.

2.4 Parking for the proposed dwelling is to be provided within the existing double garage, which is located to the rear of the site.

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 Policy SDP1(i) requires planning permission to only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

3.3 Policy SDP7(iv) requires development to respect the scale, density and proportion of existing buildings.

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

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

PPS3 Housing (2010)

3.6 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.

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

3.8 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").

3.9 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.

3.10 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.

3.11 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 Erection of a 3 bed dwelling, attached to existing. Approved. 10.11.2005. (05/01428/FUL)

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 (05.08.2010). At the time of writing the report no representations have been received from surrounding residents.

5.2 **SCC Highways** - No objections raised.

5.3 **SCC Sustainability Team** – No objections raised. Conditions relating to the development meeting Code for Sustainable Homes level 3 and 20% on site renewable energy are recommended.

5.4 **SCC Environmental Health (Contaminated Land)** - No objections raised subject to the imposition of conditions relating to land contamination investigations and remedial works.

5.5 **Southern Water** – No objection raised subject to the imposition of conditions requiring the developer to confirm connection to the public sewer.

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
- iii. Residential Amenity
- iv. Sustainability;

6.2 Principle of Development

6.2.1 The proposal would involve the development of garden land which has been recently removed from the definition of previously developed land on the 9th July update to PPS3: Housing. PPS3 indicates that the priority for development is on previously developed land (paragraph 36 refers).

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

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

6.2.4 Planning consent was granted for an additional dwelling on this site in 2005. Whilst this consent has now expired it is considered that recent changes in policy have not significantly altered the approach that should be taken in the assessment of this application. It was noted by the previous case officer that the 'proposed dwelling was a sympathetic addition to the terrace that in design terms would "finish off" the terrace whilst retaining sufficient amenity space and parking for residents'. This view will be reiterated throughout this report.

6.2.5 Sufficient amenity space is provided to the rear of the site which is both private and useable. Furthermore, the loss of space between the building and the boundary would not be detrimental to the overall character of the surrounding area. It is not uncommon for buildings to be positioned in close proximity to the highway within the immediate area and rear access to both the proposed and existing dwellings can be retained via the cut way that runs to the rear of properties 87-97 Norham Avenue.

6.2.6 The site is located within a low accessibility area which advocates a density of 35-50 dph. The proposed development results in a density of 125dph. Whilst this is clearly in excess of the density levels proposed by CS5 of the adopted Core Strategy, the proposal is, in all other respects, in keeping with the character and context of the surrounding area. Therefore, it is considered that provided the proposal meets all residential design standards the increased density level on site is not harmful to the wider character of the area.

6.2.7 It is judged that the development of an additional dwelling to the side of 87 Norham Avenue is not out of context of character with the surrounding area and is in accordance with policy SDP1 of the adopted local plan review and CS13 of the adopted Core Strategy and is in line with the intentions of PPS3.

6.3 Design and Residential Amenity

6.3.1 The proposed property would continue on the existing terrace of housing and respect the character of the existing properties in the area, in terms of scale, proportion and design. The imposition of conditions can ensure that the materials to be used are sympathetic within the surrounding dwellings.

6.3.2 The area to the side of the existing dwelling, serves no great landscape function and there will be sufficient amenity space remaining to serve the existing dwelling and proposed dwelling.

6.3.3. Resultant plot sizes are reflective of those within the surrounding area and the site is large enough to accommodate both dwellings without appearing over-developed.

6.3.4 In terms of residential amenity, the dwelling will not project out further to the rear than the existing properties and the ridge height will also be the same. Therefore, there will be no loss of light or overshadowing to neighbouring dwellings. There are no windows in the side elevation of 22 Bladon Road and privacy to this property will not be affected. There are two windows in the side elevation of 87 Norham Avenue but these do not appear to serve habitable rooms. The ground floor window serves a kitchen which has a secondary window to the rear of the property. As such, there will be no adverse loss of outlook or light to the existing dwelling.

6.3.5 There are no other dormer windows within the rear elevations of properties within Norham Avenue. The previous consent did not include a dormer window. Whilst it would

be preferential for the development not to include a dormer window, it is acknowledged that such an extension could be built under permitted development rights and it does not affect the privacy of neighbouring dwellings. It is therefore considered that on balance, the dormer window is acceptable subject to the new dwelling's permitted developments being removed to prevent any additional development (and therefore potential overdevelopment) on the site.

6.3.6. Sufficient garden space is provided for the proposed dwelling and retained for the existing in accordance with paragraph 2.3.14 of the Residential Design Guide.

6.3.7 The site has sufficient space to accommodate refuse and cycle stores. No details have been submitted in relation to these stores and as such will be requested by way of a condition. It is recommended that the stores should be located to the rear of the site rather than within the front garden.

6.4 Sustainability

6.4.1 The applicant has not submitted any information which indicates their intention to meet code for sustainable homes requirement. Therefore, in order to comply with policy CS20 of the adopted Core Strategy conditions requiring the development to meet Code for Sustainable Homes level 3 and achieve 20% on site reduction in Co2 emissions through renewable energy will be imposed.

7.0 Summary

7.1 The proposal has been judged to make a positive contribution to the city's housing stock, whilst making the best use of land available. The design of the dwelling is not considered harmful to the context or character of the surrounding area. The loss of existing garden space is minimal and not considered reason enough to refuse the application given the clear benefits the proposal has to offer as set out in this report.

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), 1(d), 2(b), 2(d), 4(f), 7 (e) PPS3 (2010) and the Residential Design Guide.

BG for 28.09.2010 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Details 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 schedule of materials and finishes (including 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 has 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 interests of amenity by endeavouring to achieve a building of visual quality.

03. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to the new 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.

04. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

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

Reason:

To protect the amenities of the adjoining residential properties.

05. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]

The window in the side elevation of the building hereby approved [to the rooms indicated as bathrooms on the first floor] shall be glazed in obscure glass and shall only have a top light

opening. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.

06. 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).

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

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in 20% CO2 emissions 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).

08. 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.

09. 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.

10. 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.

11. 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.

12. 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.

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 - Refuse and Cycle Storage [Pre-Commencement Condition]

Prior to the commencement of development full details of proposed refuse and cycle storage must be submitted to and agreed in writing by the local planning authority. The storage must be secure and lockable. Once agreed the storage must be made available for use prior to the first occupation of the dwellings and thereafter retained and maintained for that purpose at all times.

Reason

In the interests of promoting cycling as a sustainable form of transport and to ensure the refuse bins are not left on the public highway.

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

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

Notes to Applicant -

1. Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

2. Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

3. A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.