**REF. NO. C/16/78305**

## PLANNING APPLICATION REPORT

| | | |
|---|---|---|
| DESCRIPTION/ ADDRESS | - | Construction of 1no. two storey two bed dwelling with refuse & cycle storage (resubmission).<br><br>5 Station Road, Netley Abbey, Southampton, SO31 5DU |

SITE VISIT DATE – 20/04/2016

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? – Yes and site notice posted.

**THE SITE AND ITS SURROUNDINGS**

| | |
|---|---|
| DESCRIPTION OF APPLICATION | As above. |
| SITE AREA | 71 square metres. |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | Approximately 141 dwellings per hectare. |
| TOPOGRAPHY | Flat and level. |
| TREES | There are no trees on or adjacent to the site which would be affected by the proposed development. |
| BOUNDARY TREATMENT | The rear boundary of the site is formed by a 2.0 metre high brick wall, with the side boundaries formed by the flank elevations of the two neighbouring properties. The front boundary onto Station Road is highlighted by a set of metal gates set back from the back edge of the footway. |
| SITE CHARACTERISTICS | The application site is a small shallow site which forms a gap between the predominantly terraced form of development along the remainder of this section of Station Road between Victoria Road and New Road. The site appears to have had various previous commercial uses but does not appear to have ever been used for residential purposed. There is evidence of the site having had a modest single storey building which has since been demolished. |
| CHARACTER OF LOCALITY | This part of Station Road forms one of the main entrances into the Netley Abbey Conservation Area. It is mainly residential in nature but there are other uses nearby, including a library, a small Scout and Guides hall, a pub and a small parade of shops. |

**RELEVANT PLANNING HISTORY**

| REFERENCE | DESCRIPTION | DECISION |
|---|---|---|
| C/15/77340 | Construction of two storey two bedroom dwelling with undercroft parking, refuse & cycle storage. | Refused Dec 2015 |
| C/13/72227 | Construction of 1no. 2 storey 3 bed attached dwelling. | Withdrawn Sept 2013 |

**REF. NO. C/16/78305**

**RELEVANT PLANNING HISTORY**

| REFERENCE | DESCRIPTION | DECISION |
|---|---|---|
| C/06/56327 | Construction of 2 storey building for 2no. 1 bed flats & construction of front boundary wall, following demolition of existing retail building. | Approved Apr 2006 |
| C/05/55620 | Construction of 2 storey building for 2no. 1 bed flats, following demolition of existing retail building & construction of front boundary wall. | Withdrawn Feb 2006 |
| C/04/52346 | Construction of two storey building for 2 No. 1 bedroom flats following demolition of existing retail building and construction of front boundary wall. | Refused Nov 2004 |
| C/16015/002/00 | Use of taxi office as Class A1 shop for temporary period of five years and erection of security gates. | Temporary approval Nov 1999 |
| Z/16015/000/00 | Change of use of to office in connection with taxis, bookings etc. | Approved Apr 1975 |
| WIR2302400000 | Erection of house following demolition of existing shop. | Refuse Outline Permission May 1974 |

**REPRESENTATIONS RECEIVED**

| SOURCE | SUMMARY OF CONTENT |
|---|---|
| **Amended Scheme** | |
| Brawn – 3 Station Road | Object. Overdevelopment of the site within insufficient garden space. Proposed dwelling is larger than previous structures on site and the design would not respect the setting of the conservation area or neighbouring buildings. No parking proposed which will force more on-street parking and add to existing traffic issues. |
| Smith – 69 Victoria Road | Object. Would not respect the conservation area and cannot be made to look as old as the neighbouring properties. No on-site parking is proposed and will lead to more parking and traffic issues along the street. A two storey structure would overlook and overshadow neighbouring gardens and windows. |
| **Original Scheme** | |
| Brawn – 3 Station Road | Object. Out of character with the conservation area, overdevelopment of the site and would have an adverse impact upon the street scene. Position of building would prevent access to and maintenance of the neighbouring property and does not take into account a sewer which runs across the site. No parking provided. |
| Franks – 14 Coastguard Cottages | Object. Does not take into account neighbouring properties or services and does not provide parking. |
| Barnes – 70 Victoria Road | Object. Previous proposals have been refused. Does not respect the character of the conservation area or neighbouring buildings. No parking to be provided. |

**REF. NO. C/16/78305**

**REPRESENTATIONS RECEIVED**

| SOURCE | SUMMARY OF CONTENT |
|---|---|
| Back – 9 Station Road | Object. Overdevelopment and impact on services. Would add to parking problems. Overshadowing of gardens. Does not respect the conservation area. Would impinge on access and maintenance of neighbouring properties. Would prefer to see a single storey development. |
| Matthews – 15 Station Road | Object. Overdevelopment of the plot which is not big enough to accommodate a dwelling. Would have an adverse impact upon the street scene and conservation area. Would devalue neighbouring properties. Would add to existing parking problems. Would overlook neighbouring gardens and does not take into account the position of a sewer. |
| Smith – 69 Victoria Road | Object. Overlooking, loss of privacy and loss of light. Would be out of keeping with the conservation area and does not provide any parking. |
| Myles – 67 Victoria Road | Object. Impact on parking and traffic. Not in keeping with the character of the conservation area or surrounding housing. Overshadowing of gardens. |

**CONSULTATION RESPONSES**

| CONSULTEE | SUMMARY OF RESPONSE |
|---|---|
| **Amended Scheme** | |
| Conservation Officer | No objection. Amendments have addressed main concerns but details of junctions between dwellings, roofs, etc. would be useful. |
| **Original Scheme** | |
| Conservation Officer | The front elevation does not show the complete roof - the rear leg of the L-shaped roof is missing.<br><br>Unfortunately the front elevation of this proposal does not have the quality of the 2013 application which would have made a positive contribution to the conservation area. This scheme is rather bland at ground floor level in particular and although it would appear there is some decoration in the lintels of the first floor windows, this will not be noticed by the majority of passers-by. This application as presented does not achieve either the quality of most of the dwellings in this street or that required in a conservation area. |
| Head of Transportation & Engineering (Transport Planner) | Objection - Lack of vehicle parking.<br><br>The proposal (unlike a previous application - C/15/77340) does not provide any vehicle parking which goes against the EBC Parking Standards that require a minimum of 2 on-site vehicle parking spaces. Parking is a concern in the local area, with roadside parking at a premium, and the need for all new development to provide for itself is essential to reduce the potential for:<br>1. Loss of amenity for existing residents;<br>2. Obstructive parking that could block the footways and free flow of the highway; and<br>3. Safety issues as vehicles park in not desirable locations due to the |

**REF. NO. C/16/78305**

**CONSULTATION RESPONSES**

| CONSULTEE | SUMMARY OF RESPONSE |
|---|---|
| | lack of parking options exacerbated by this development proposal. |
| Head of Transportation & Engineering (DC Engineer) | 1. How the proposed development would link into the fowl and surface water drainage systems;<br>2. Detail of spare local capacity;<br>3. Effects on the drainage systems of neighbour properties (photos on IDOX appear to show drain pipes and manhole covers in an area to be built on). |

**POLICY CONTEXT**

| DESIGNATION APPLICABLE TO SITE |
|---|
| Within Built-up Area Boundary<br>Within Established Residential/Mixed Area<br>Within Designated Conservation Area |

**DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S**

**Eastleigh Borough Local Plan Review (2001-2011)**, saved Policies 25.NC, 28.ES, 34.ES, 59.BE, 169.LB & 191.LB

**Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014,** (the Submitted Local Plan) comprising:

- Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and
- Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014'

PoliciesDM1, DM2, DM9, DM10, DM23, DM24, DM25, DM29 & DM37

Supplementary Planning Document: Quality Places
Supplementary Planning Document: Netley Abbey Conservation Area Appraisal and Management Proposals
Supplementary Planning Document: Residential Parking Standards
Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document: Planning Obligations

**NATIONAL PLANNING POLICY GUIDANCE**

The National Planning Policy Framework (NPPF) supports and encourages sustainable development which is considered to have three roles, economic, social and environmental. Paragraph 8 of the NPPF states that "These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions."

Paragraph 49 states that, "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Paragraph 56 of the National Planning Policy Framework states that "The Government attaches great

**NATIONAL PLANNING POLICY GUIDANCE**

importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 60 states that "policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative…" It goes on to state that "It is, however, proper to seek to promote or reinforce local distinctiveness."

While the appearance of buildings is important, paragraph 61 of the NPPF states that "securing high quality inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

It goes on to state in paragraph 137 that, "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."

**POLICY COMMENTARY**

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to the principle of that proposed, its layout, design and impact upon the street scene and character of the conservation area, impact upon the residential amenity of existing neighbouring and future occupiers of the development, parking, traffic and highway issues, as well as nature conservation.

**COMMENT ON CONSULTATION RESPONSES**

All comments are noted and responded to where appropriate below.

**COMMENT ON REPRESENTATIONS RECEIVED**

All comments are noted and responded to where appropriate below.

With regards to the comment on the devaluation of property, this is not a material planning consideration which can be taken into account when determining any planning application.

**PLANNING OBLIGATION/CONSIDERATIONS**

In accordance with the provisions of the following;

- National Planning Policy Guidance
- Community Infrastructure Levy Regulations 2010 (SI 2010/948) as amended by the Community Infrastructure Levy (Amendment) Regulations 2011 (2011/987)
- Saved policy 191.IN of the Eastleigh Borough Local Plan Review 2001-2011
- Emerging policy DM37 of the Revised Draft Eastleigh Borough Local Plan Review 2011-2029
- Supplementary Planning Document – Planning Obligations

Planning obligation contributions are sought to offset the impact of the development on local infrastructure. For this development contributions are sought towards the Solent Disturbance Mitigation Partnership. The required contributions have been secured via an up-front payment.

**REF. NO. C/16/78305**

**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

> *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

The site also lies within a Conservation Area and Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

> *"In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".*

In this case policy issues for consideration include:

**Principle** – The application site lies within the urban edge where the basic principle of development is considered to be acceptable, with any formal planning approval being based upon the exact nature, design and impact of that proposed being considered appropriate and in accordance with the relevant Local Plan policies and Supplementary Planning Documents. The most relevant policy in this case is saved Policy 59.BE of the Local Plan which requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, a satisfactory means of access and layout for vehicles, cyclists and pedestrians, to make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, and noise and fumes. Also of relevance is Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, July 2014, which essentially reiterates the above requirements.

Given that the site also lies within the Netley Abbey Conservation Area saved Policy 169.LB of the adopted Local Plan will also be relevant. This policy requires any development within a designated conservation area to preserve or enhance the character or appearance of the conservation area or its setting, to not detract from the character of the area or street, be appropriate in terms of its mass, scale, design and materials, and to be sympathetic to existing buildings and the particular character of the area. These requirements are reiterated in Policy DM10 of the Submitted Local Plan.

In basic principle terms therefore, the use of the site for residential purposes is acceptable – permission for such a use having previously been granted but never implemented. However, the acceptability of any scheme will be dependent upon the exact design and impact of that proposed upon the conservation area, neighbouring properties and the highway.

**Layout, Design, Street Scene & Area Character** – The section of Station Road between New Road and Victoria Road acts as one of the main entrances into the Netley Abbey Conservation Area and is perhaps the most well used as it is the only vehicular route through to the Royal Victoria Country Park. The northern side of the street is made up of modest two storey semi-detached and terraced properties which effectively form a continuous terrace. There are only two breaks in this terrace run, the Scout Hall and the application site. The modest size and emptiness of the application site therefore sits in stark contrast to the remainder of development along this side of the street.

While some of those who have commented on the application have suggested that the gap be retained as it allows views across the rear gardens of New Road and Victoria Road properties, in reality this isn't really evident when viewed from the street and it is considered that this does little to enhance the entrance into the conservation area. That being the case, the site would be better used to construct a new dwelling which would enhance the enclosure of development along the

**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

street.

Given the very small size of the site and its surrounding constraints, it will be impossible for any residential development of the site to meet all of the Council's usual standards regarding external amenity space and off-road parking provision. The previously refused proposal tried to address this as best possible by providing two parking spaces – the minimum requirement for the proposed two bedroom dwelling – with the main habitable accommodation above. This left no useable external amenity space at ground level but did include a balcony across the front looking out onto the street. The limited space available also resulted in the roof space being used to provide the main bedroom accommodation. As a design viewed in isolation, this was a quite clever solution and would have provided as best possible the necessary parking and external amenity requirements of the Council's 'Quality Places' and 'Residential Parking Standards' SPDs. However, this approach would have resulted in a rather alien feature within the street scene.

Following refusal of this previous application a more traditional approach has now been taken of a modest two storey cottage. It has been suggested that only a single storey building be provided, as that is what used to be on site. It has also been stated that parking should be provided for any development. Unfortunately the size constraints of the site are such that in reality no viable development could meet all these requirements, neither financially or physically.

While that initially submitted was not the best of solutions, amendments have now been secured which are considered to make far better use of what is a very constrained site. The proposed dwelling has now been pushed across to the eastern boundary and makes use of the full depth of the site at ground floor level. This provides a modest but at least usable external amenity space to the side and pulls the building away from No.3 Station Road, thereby ensuring that the existing services which are fixed to this flank wall can still be accessed if required. While the front elevation does project forward of No.5, it is no further forward than No.3 and simply moves the existing step in frontages along the street. A small front garden/yard area defined by a low boundary wall is to be provided and would reintroduce an attractive feature of the street which has been removed on a number of neighbouring properties, but rear access has been retained to ensure that bins do not need to be stored to the front of the dwelling which is never an attractive feature and certainly not wanted in a conservation area.

In terms of is appearance, it has a very simple form with the front elevation replicating a number of attractive features to neighbouring properties, such as an inset and arched entrance, as well as a shallow projecting bay window. It is also proposed to include a pair of small windows to the flank elevation which would be visible from the street and provide further interest to the street scene.

Despite the suggestion that the site should not be developed, if left in its present condition it will continue to have a negative impact upon this part of the conservation area. While previous proposals have been refused, that now proposed is considered to be an acceptable compromise and ensure that the present unsightly gap is suitably in-filled and which would provide a modest new dwelling in an area where new housing is required. As such the application is considered to be accord with the thrust of saved Policies 59.BE and 169.LB of the adopted Local Plan, Policies DM1 and DM10 of the Submitted Local Plan, and the Council's 'Quality Places' and 'Netley Abbey Conservation Area Appraisal and Management Proposals' SPDs.

**Residential Amenity** – As has already been mentioned above, with regards to the residential amenity of future occupiers of the proposed development, that proposed is considered to have dealt with this in an acceptable way given the difficult constraints of the site. Acceptable internal space would be provided, which would have a reasonable degree of natural light to the main living areas, as well as providing a usable outdoor space in the form of the side garden/courtyard.

Concerns have been raised by immediate neighbours with regards to overlooking and loss of privacy, as well as loss of light. The rear bedroom window will look out upon the gardens of

**ASSESSMENT OF PROPOSAL**

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

neighbouring Victoria Road properties but any loss of privacy would be no worse than the present overlooking from existing dwellings. The angle of this window in relation to neighbouring windows will mean that there would be no loss of privacy to any neighbouring windows.

With regards to loss of light, again the position and relationship of the proposed dwelling to existing neighbours would ensure that there would be no loss of light or outlook to any windows, or certainly it would not make any existing situation significantly worse. While there would be some overshadowing of the rear garden to No.68 Victoria Road, this garden is already compromised by No.7 Station Road. The proposed dwelling has also been designed with a set in first floor, in order to try and limit any loss of light or outlook upon the garden to No.68. Loss of light to the garden would predominantly occur during the winter months when the sun is lower in the sky but during the summer any overshadowing should be fairly minimal.

With regards to overshadowing and loss of light to Nos.69 & 70 Victoria Road and No.3 Station Road. All of these properties already have very small and compromised external amenity spaces. It is acknowledged that the proposed development is likely to result in further loss of light to these 'garden areas' but it does need to be accepted that they are already severely overshadowed by their own dwellings.

While there will be an impact upon the closest neighbouring properties it is not considered that the impact would be so severe so as to justify a refusal of the application in its amended form. As such the application is considered to accord with the amenity requirements of saved Policy 59.BE of the adopted Local Plan, Policy DM1of the Submitted Local Plan, and the Council's 'Quality Places' SPD.

**Parking, Traffic & Highway Issues** – At present none of the neighbouring properties along the street have any off-road parking and have no scope to provide any. This means that residents park on-street. Objections have been raised by both neighbours and the Head of Transportation & Engineering to the lack of proposed parking and that this could result in further on-street parking and exacerbate existing issues. However, objections were also raised by neighbours to the previous application which did provide parking on the grounds of loss of on-street parking.

It is acknowledged that this is a sensitive issue locally but as has been highlighted above, the site is not capable of accommodating parking and achieving an acceptable design which respects the character of the conservation area. It is unlikely that if the application were refused purely on the grounds of insufficient parking that the LPA would be able to successfully defend any subsequent planning appeal. A decision must therefore be made on what carries more weight, the protection of the character and appearance of the conservation area – which will have some impact on parking locally, or ensuring that on-site parking is provided – which will have an adverse impact upon the appearance of the conservation area. In this instance it is considered that the longer term protection and enhancement of the conservation area carries more weight.

**Nature Conservation** – The proposal is not considered to result in a likely significant impact on a European Protected site (SPA, SAC or Ramsar). HRA (Habitat Regulations Assessment) screening was required for this development as it falls inside the designated zone of impact.

The site falls inside the 5.6km buffer zone for the Solent SPA. A contribution is therefore required to mitigate the increased recreational pressure resulting from the development.

**OTHER MATERIAL CONSIDERATIONS**

Reference needs to be made to the submitted Eastleigh Borough Local plan 2011-2029 July 2014. However, very little weight can be given to these policies as, although the Submission Local Plan has not been formally withdrawn, the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regard to this application, the new policies

essentially echo those of the current plan and are not considered to affect the recommendation put forward.

**CONCLUSIONS**

Although it is acknowledged that the submitted application even in its amended form does not meet all the usual minimum requirements in terms of external amenity space or off-road parking, in this instance it is felt that the balance should sway towards the protection and enhancement of the conservation area over parking and the usual amenity standards. While some of these minimum requirements cannot be met, the proposed development is nonetheless considered to help meet a housing demand and will provide a good quality home for those who are willing to accept its limitations. As such the application is therefore recommended for approval subject to conditions.