REF. NO. F/13/73827

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Construction of 1no. 2 bed dwelling to the rear of 79 Stoke Park Road with associated parking, bin/cycle storage and amenity space and access off Rogers Road. Rear of 79 Stoke Park Road Bishopstoke Eastleigh SO50 6BW

SITE VISIT DATE – 24/01/14

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Small, 2-bed bungalow with side amenity space and off-road two parking spaces, adjacent to parking spaces for existing dwelling.
SITE AREA	512.1 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	40 dph
TOPOGRAPHY	Drop of approx. 1m from the north of the site towards Stoke Park Road.
TREES	Hedging has been removed from site boundaries
BOUNDARY TREATMENT	Currently open boundary along boundaries with public highway. 1.8m fencing panels along boundaries adjoining domestic properties.
SITE CHARACTERISTICS	Modest single storey dwelling at junction of Stoke Park Road and Rogers Road with front and rear garden. Development site is formed of rear garden.
CHARACTER OF LOCALITY	Area of primarily single storey dwellings with some variation as a result of extensions and alterations that have been carried out on some plots.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Q/13/73224	Request for pre-application advice: detached 2 bed bungalow at rear	SWR, 30/09/2013
F/05/55186	77 Stoke Park Road: Alterations and extensions to create a two storey dwelling with front facing dormer windows and integral garage	Permit, 18/11/2005
Z/38077/001/00	Land To The Rear Of 75 And 77 Stoke Park Road Bishopstoke: ERECTION OF DETACHED BUNGALOW	Permit, 13/08/2002

REPRESENTATIONS RECEIVED

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SOURCE	SUMMARY OF CONTENT
28 Rogers Road	In the Design Statement items 6:4, 6:6 and 6:10 are incorrect as all trees on the site have been removed therefore all natural screening has gone. Item 6:9 is also incorrect as the majority of properties in Rogers Road and Rogers Close have, and need, more than two off road parking spaces. Street parking at an near the junction of Rogers Road and Stoke Park Road is an ongoing problem with vehicles being parked tight up to the junction and more and more vehicles being parked on the street. and, if nothing else parking restriction should be enforced at this junction. sooner or later there will be a serious accident at this junction due to street parking if proper measures are not taken. Realistically a two bedroom dwelling can easily generate 3 vehicles so 2 spaces is just not enough.
81 Stoke Park Road	We do not oppose the building of a small dwelling on the above site. However we are opposed to the position of the property to our boundary, there is a need of a 1meter gap between the fence and the new building to physically construct and maintain without the need to be on our property, as this would not be permitted either in the construction or the subsequent maintenance with the new owners when sold.
34 Rogers Road	We are making an objection to this application for the following reasons: We strongly feel building a 2 bedroom dwelling on this site will over develop what is in fact a very small plot of land. Despite several references stating the dwelling will be screened from other properties to the front by pine trees this is in fact not the case. There are currently no pine trees at this site so our property will be faced by this dwelling which we strongly feel is not in keeping with the current style of dwellings in the road and overdevelops a very small plot. We also very strongly object on the grounds of the planned parking arrangements, we feel the proposed site is too small to accommodate the potential number of vehicles 2 properties on this site will generate. You state there will be parking for 4 vehicles in reality this could be 6 vehicles - 3 from each property, also, the design of the parking facilities, we believe, will almost certainly mean some cars will not park on the driveway but will park on the road. The parking in this area is already creating a nuisance. Vehicles regularly park on the corner despite Highway Code regulations that states vehicles should not park with in 10 metres of a corner. Vehicles also regularly park outside our driveway causing difficulty in manoeuvring in and out with our own vehicles, I have on more than one occasion almost reversed into parked cars directly in line with our driveway especially at night time The dwelling next door is currently empty (therefor nobody to object to the proposed plans) when occupied it had 3 vehicles which all parked on the corner despite having its own drive. The driveway does not have dropped kerbs making parking on it illegal (as informed by the council when we were driving across our own drive

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	without dropped kerb, threatened by court action and harassed by the council, (in my opinion) until at great cost to us we had our kerbs dropped) photograph 4 When this property is occupied there is a very high likelihood, being a four bedroom property, that again 3 or even more cars will be parked on the road on a corner see photographs . The road is already being used as a "rat run" for vehicles taking a short cut to the main roads, in the summer farm traffic is constantly back and forth late into the evenings. If more cars are being parked in the road I feel this creates potential hazards and creates a higher risk of accidents occurring especially as the proposed plans are for family living. We strongly feel if this application is approved the impact on our own lives will be detrimental as we already suffer from inconsiderate parking and feel this will only become worse. We will also be faced with a plot of land that was never intended to have 2 dwellings and in our opinion is too small to accommodate family living. I have raised our objections here on line as I am aware of the deadline 5/2/2014 today being 4/2/2014 I do not want to miss the date for objections. I will also be submitting my objection to you in letter format as I have photographs of the area and the points raised which I am unable to paste onto this site

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Env Health	Thank you for consulting this Service on the above application. I have reviewed the information provided and wish to make the following comments: The application site is: □ Located directly on a former brickworks, as shown on historical ordnance survey mapping As the proposed development has the potential to be effected by contaminants in the ground or gases / vapours associated with the former brickworks, I recommend that the following condition is imposed: “No development shall take place until the applicant has carried out an adequate assessment of the risks, to or arising from, the proposed development, and a report of this assessment, including recommendations for protection of the development, has been received and approved in writing by the LPA. [British Standard BS10175:2011 ‘Investigation of potentially contaminated sites – Code of Practice’ is a useful source of advice on site investigation] Any recommendations for protection of the development, the remediation scheme, must be supervised by a competent person and a completion certificate provided by that person to the LPA to certify that the works have been implemented in accordance with that scheme.” The applicant should be advised that in advance of the commencement of development the condition requires that the assessment be completed and approved. Also that as a result of the assessment, amendments to the design of building structures may be required,

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	further that adequate provision of time needs to be made so the assessment can be completed before works commence on site. The applicant should also be advised to contact Environmental Health to discuss the options open to them in order to comply with the above condition. Further information and advice about developing 'Brownfield land' can be found on the Council's website. The relevant web-page is entitled 'Development of Brownfield Land'. We recommend that the following conditions are imposed for amenity protection reasons. HOURS OF WORK No construction or demolition work must take place except between the hours of 08:00 to 18:00 Mondays to Fridays or 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays. DUST Developments shall not begin until a scheme of works to deal with dust from the site has been submitted to and approved in writing by the local Planning Authority. The agreed scheme shall then be implemented and retained to the satisfaction of the local Planning Authority NO BURNING The burning of materials obtained by site clearance or from any other source must not take place without the prior written consent of the local Planning Authority.
Engineers	No objection in principle. The proposals accord to parking and cycle storage standards, but it should be noted that dependant on the boundary treatment of the garden for the proposed dwelling, there may be a need for a buffer strip besides the associated parking bays in order to actually get in / out of the vehicle, similar to that proposed with spaces adjacent to the existing dwelling. The 'existing dwelling' buffer strip (path) should not however be changed to accommodate this, as it provides a suitable width for both cycle and bin passage. In regard to transport developer contributions, as a new development on previously undeveloped land, additional multimodal trips will be generated on the local highway network. In line with the HCC Transport Contributions Policy, these additional trips on the network will be subject to a contribution request of £3,745 (+ indexation) given the details of development submitted as part of this pre-application. These funds would be allocated to schemes in the local vicinity which are either of benefit to the residents of the proposed development, or go to mitigate against issues caused by the development. Full details of identified transport schemes can be provided if required, and can be seen in the Eastleigh Borough Transport Statement http://www3.hants.gov.uk/eastleigh-transport-statement-final-2012.pdf DC Engineer Comments: As Matt comments, the parking space is tight and extra margin width is needed to open car doors on north side.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	Amended plan needed.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

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

Eastleigh Borough Local Plan Review (2001-2011): 59.BE
Revised Draft Eastleigh Borough Local Plan 2011-2029: DM1
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Residential Parking Standards
Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document: Planning Obligations

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework:

The NPPF carried a presumption in favour of sustainable development (para. 14), which incorporates three elements: economic, social and environmental, (para. 7). Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, (para. 11). Should a development proposal accord with the development plan, approval should be given without delay, (para.14).

The National Planning Policy Framework highlights that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people, (para. 56) and goes on to state that decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development (para. 58).

If the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date (para.49) and that housing applications should be considered in the context of the presumption in favour of sustainable development (para.49). However, para. 53 states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to character and street scene, residential amenity, and highways.

COMMENT ON CONSULTATION RESPONSES

Amendments have been received to address the Engineers comments. The conditions suggested by Environmental Health can be imposed, should planning permission be granted.

COMMENT ON REPRESENTATIONS RECEIVED

COMMENT ON REPRESENTATIONS RECEIVED

The submitted DAS has some inaccuracies, as raised, however a site visit has been carried out to view the site in its current condition and the application can be assessed on that basis. The Council's parking standards have been complied with, and the amendments requested have been received. Although there is a dropped kerb across part of the drive opening, it may need to be extended and a condition can be imposed requiring details to be submitted.

The scheme has been modified to take account of the concerns of the adjoining resident, 81 Stoke Park Rd.

PLANNING OBLIGATION/CONSIDERATIONS

The applicant has confirmed their willingness to secure the necessary developer's contributions to mitigate the impact of the development.

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."*

Principle: The development site falls within the built urban edge and within an established residential area. The general principle of development is therefore accepted, subject to the proposed works being appropriate in nature, scale and design, in compliance with the relevant national and local planning policies, which have been identified above.

As stated in the NPPF, (para.11), planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has taken steps to address its position regarding the 5 year housing land supply through its Housing Implementation Strategy. However, until the emerging Local Plan is adopted, substantial weight must be given to the policies within the NPPF as a whole, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, (para.14).

In considering this site, regard must be had to the sustainability of the scheme. This recognises the presumption in favour of sustainable development running through the NPPF and reflected within the Council's Environmentally Sustainable Development Supplementary Planning Document (SPD) and Quality Places SPD; and the saved policies identified in the report.

The site is located on a bus route and there are a range of shops and community facilities within approx. 850m. The proposed dwelling would achieve Code for Sustainable Homes Level 4 and would contribute to the area's housing stock. Given the site is within an existing residential area, it would be difficult to argue the site is not sustainable. It can therefore be argued that this proposal constitutes sustainable development, to which there is a presumption in favour. However, as this development site is part of a rear garden, para. 53 requires local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

In order to establish whether this development would result in inappropriate development of a residential development by causing harm to the local area, the application has been assessed against a number of saved policies of the Eastleigh Borough Local Plan Review 2001-2011 which still carry weight and the appropriate SPDs referred to above.

In assessing harm, saved policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Character and Appearance: The proposed dwelling is a small 2-bed property with rooms in the roof. This has been achieved by the use of a steeper roof slope and discreet glazing in the roof. The design incorporates the aspects of the general character of the street, being effectively single storey with a front projection. Whilst it does have a different character to the nearby properties, there is some variation to the street and, provided there is continuity in the choice of materials, it is considered this is not detrimental to the street scene.

With regards to the loss of this garden area, permission was granted in August 2002 for develop the rear gardens of the property opposite, no. 77, in combination with no. 75, to provide an additional dwelling; and in November 2005, no. 77 Stoke Park Rd was extended, altered and the ridge raised to provide first floor accommodation. Both of these developments have impacted on the pattern of development in this locality, with the provision of the only residential amenity space for no. 77 in the front, as proposed for the existing dwelling at this site; and 34 Rogers Road sitting in the former rear garden, as proposed for this new dwelling. Whilst this is a larger plot as it combines the rear garden of 75 as well, it is also a larger dwelling which has a greater requirement for amenity space and provides parking through a hard standing along the frontage. The proposed dwelling is small, it is difficult, however, to argue the principle of such development is not acceptable, given the development which has occurred opposite.

Residential Amenity: The proposed dwelling meets the Council's requirements regarding the emerging gross internal space standards and meets the requirement of providing amenity area which is a minimum of 60% of the floor area. The dwelling does not propose windows at first floor which overlook the adjoining dwellings. Due to the limited size of the plot, it is considered there is no opportunity for this property to be extended at a later date and it is therefore reasonable to remove permitted development rights.

The conditions which have been requested by the Council's Environmental Health unit can be imposed, due to the constraints of the site.

Highway Matters: The proposed parking arrangements include 2 parking spaces for each 2-bed property, which complies with the Council's parking standards as set out in the Council's Residential Parking Standards SPD. Whilst I sympathise with the concerns of residents, an application cannot be refused on parking provision, if the Council's standards have been met and the spaces can serve the designated purpose. The amended plan which has been received addresses the concerns regarding the accessibility of the spaces and a condition can be imposed requiring details of the dropped kerb construction to be provided.

Overall, the site is a constrained site, which just meets the Council's requirements regarding space standards, amenity space, parking and residential amenity. Whilst the site is smaller than the general plot size in the locality, development has occurred directly opposite the site, which undermines any argue related to the pattern of development. On balance, the application is therefore considered to comply with the relevant local plan policies and is recommended for a reluctant permission.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Revised Draft Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement.

With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

Recommend permission subject to condition.