REF. NO. X/17/80175

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Variation of condition 1 of planning permission F/16/79256 to allow substitute plans. 27 Nightingale Avenue, Eastleigh, SO50 9JH

SITE VISIT DATE – 25/04/2017

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks a variation of Condition 1 (approved plan numbers) to allow the substitution of the approved drawings for new. The change in that now proposed is only at ground floor level to the front of one approved dwelling. This would pull the elevation slightly forward, in line with the existing dwelling, in order to provide more ground floor space and a better internal layout.
SITE AREA	473.3sqm / 0.047ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	63dph
TOPOGRAPHY	Nightingale Avenue slopes gently in a south easterly direction. The plot slopes upwards away from the road in a northerly direction.
TREES	There are no protected trees on or adjacent to the site however there are semi-mature trees both on the frontage. NE corner and on the rear boundary.
BOUNDARY TREATMENT	Low level wall and fencing along front and side boundaries increasing in height to 1.8m fencing enclosing the side/rear garden area.
SITE CHARACTERISTICS	Two storey semi-detached house with a cat-slide roof and hipped front projection, set on a large spacious plot with a large side and rear garden. To the side of the property, accessed off of Woodpecker Way is an area of hard standing for 2x vehicles.
CHARACTER OF LOCALITY	Residential Estate: The Aviary Estate is an inter-war council estate adjacent to Fleming Park. The estate is unique in the local area because of its layout, inclusion of public open space, and minimal modification. The properties on the estate are a mixture of terraced and semi-detached with cat-slide roofs and symmetry being a particular design feature. Corner plots are large a spacious opening up onto the adjacent public open spaces and give an open and spacious feel.

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RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/16/79256	Construction of 2no. two bedroom attached dwellings with amenity space & parking accessed from Woodpecker Way.	Approved Nov 2016
F/16/78336	Construction of detached three bedroom dwelling with amenity space & parking accessed from Woodpecker Way.	Approved Jun 2016
F/15/76763	Erection of 1no. 3 bed two storey detached dwelling with associated garden, car parking & access off Woodpecker Way.	Approved Sept 2015
F/10/66703	Erection of 2No.attached 3 bedroom houses and conversion of existing house into 2No. 2 bedroom flats with associated car parking. bin/cycle store and amenity area.	Refused Apr 2010
Z/28034/000/00	Single storey front extension.	Approved Feb 1985

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None received.	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
n/a	

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within Special Policy 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, 72.H, 104.T & 183.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' Policies DM1, DM2, DM9, DM24, DM25 & DM29

Supplementary Planning Document: Quality Places
Supplementary Planning Document: Character Area Appraisals – Eastleigh (ELAC 24)
Supplementary Planning Document: Residential Parking Standards
Supplementary Planning Document: Environmentally Sustainable Development

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.”

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 Special Policy Area, as well as residential amenity, parking and highway issues, environmental sustainability and nature conservation.

COMMENT ON CONSULTATION RESPONSES

n/a

COMMENT ON REPRESENTATIONS RECEIVED

n/a

PLANNING OBLIGATION/CONSIDERATIONS

The National Planning Practice Guidance (NPPG) sets the threshold for when tariff based planning obligations can be required by new development. This means that developments of ten units or less (and which have a maximum combined floor space of no more than 1000 square metres) will be exempt from the need to provide tariff based planning obligations or affordable housing. The proposed development in this instance falls within this threshold and as such no planning obligations can be requested.

However, contributions towards the Solent Disturbance Mitigation Project are required as the site falls within the catchment area. These contributions were secured via an upfront payment as part of the previous planning application.

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."

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ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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.

Also of relevance are the previous planning approvals for a detached and attached additional dwelling, the footprints of which are almost identical to the pair of dwellings now proposed. These previous permission establish the acceptability of such a proposal.

Layout, Design, Street Scene & Area Character – As has been mentioned above, the application seeks consent for an amendment to the previously approved floor plans to increase the footprint of the proposed mid-terrace dwelling at the front by an additional metre in depth. This will have no impact upon the overall height and scale is the resulting structure, meaning that the physical and visual impact upon the site and the immediate surrounding area would be no greater.

In terms of the street scene, the pair have been designed in such a way so as to appear as a single dwelling, with a door to the front from the mid terrace and a door to the side for the new end property. The main characteristics and features of the original Aviary Estate dwellings are followed through on those proposed and should appear as a respectful addition to the estate and the Special Policy Area.

Overall that proposed is considered to be acceptable and to meet the requirements of saved Policy 183.LB of the adopted Local Plan which is intended to protect the character of the Aviary Estate, as well as saved Policy 59.BE of the adopted Local Plan and the Council's 'Quality places' SPD.

Residential Amenity – Due to the position of the proposed dwellings in relation to their immediate neighbours there are not considered to be any issues of adverse or unacceptable loss of privacy, light or outlook. Equally, this revised scheme is still considered to be acceptable in terms of the amenity of future occupiers. Overall therefore the application is considered to comply with saved Policy 59.BE of the adopted Local Plan, Policy DM1 of the Submitted Local Plan and the Council's 'Quality Places' SPD.

Parking & Highway Issues – It is proposed to provide two off-road spaces to the rear of each the plot accessed from Woodpecker Way, as currently utilised by the existing No.27, and to provide two further off-road spaces to the front of No.27 as replacement for those lost. This is deemed acceptable by the Head of Transport & Engineering who has raised no objection and has raised no highway safety issues now that the requested visibility splay drawing has been submitted and conditioned. As such the application is considered to comply with the Council's 'Residential Parking Standards' SPD and this element of saved Policy 59.BE of the current Local Plan and Policy DM24 of the Submitted Local Plan.

Environmental Sustainability – The Council's 'Environmentally Sustainable Development' SPD requires all new dwellings to meet a minimum of code level 4 of the Code for Sustainable Homes together with a number of other mandatory requirements on water and energy conservation. However, the code has now been revoked with the intension that these requirements will be assessed by Building Regulations. Notwithstanding this, it is Council policy that any new dwellings must meet

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

the equivalent of Code Level 4 with regards to water and energy conservation. This would be secured via a planning condition.

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 not required for this development as it falls outside the designated zone of impact.

The site falls inside the 5.6km buffer zone for the Solent SPA and the necessary contribution has been secured 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

For the reasons given above, the application is recommended for approval subject to the same conditions as the previous planning approval.