MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/16/79724

DESCRIPTION/ ADDRESS	Change of use of dwellinghouse (C3) to mixed use (C3) & private hire vehicle office (sui generis) 18 Sand Martin Close Eastleigh SO50 9PS

SITE VISIT DATE	Application site inspected 24th February 2017.			
ARE PLANS ACCURATE?		Yes		The submitted information allows a detailed assessment of the proposed mixed use.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?		Yes		In accordance with the Local Planning Authority's publicity of planning proposals all relevant neighbours have been made aware of this planning application.

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	This planning application comprises a change of use of dwellinghouse (C3) to mixed use dwellinghouse (C3) and registered private hire vehicle office (Sui Generis).					
SITE AREA	Not relevant to this planning application.					
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Similarly, not relevant to this planning application.					
TOPOGRAPHY		Level	Yes	Sloping	No	The application site is flat and level.
TREES		No		There are no significant trees in the vicinity of this proposed mixed change of use.		
BOUNDARY TREATMENT		Open frontage.				
SITE CHARACTERISTICS	Terraced corner property situated on a fairly recently constructed area of housing.					
CHARACTER OF LOCALITY	Application was formerly part of the associated playing fields to "The Aviary Children's Centre". Area of modern housing consisting predominately of terraced housing. It should be acknowledged the scheme was determined in the early 2000's with car parking requirements of a maximum of 1.5 spaces per residential unit.					

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/40640/000/00	Outline: erection of 32 No. 2, 3 and 4 bed houses and associated parking and new access from Chestnut Avenue. Nightingale Primary School, Chestnut Avenue.	Permitted STCs 14th February 2006.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
R/07/60951	Outline: erection of 32 No. 2, 3 and 4 bed houses and associated parking and new access from Chestnut Avenue. Nightingale Primary School, Chestnut Avenue.	Approve 27th November 2007

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Occupier of number 9 Sandmartin Close.	"I have been a resident in Sandmartin close since it was constructed in 2009 and parking has always been a frustrating aspect of the development. Each house from new, was allocated a parking space either off-road on a driveway or in a designated layby. With most households (myself included) having two cars any available road space is quickly taken for parking. With no allocated visitor parking in Sandmartin Close any visitors parking in the road has a direct impact on all residents. It is not uncommon when I have planned visitors that I intentionally move my car out of the Close to make space. Already it is commonplace for the applicant to have two licenced vehicles parked in the road so I am concerned if granted this will only make the parking situation worse."

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	No consultations undertaken.

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) – Saved Policies 59.BE(New Development) 100.T (Transport and New Development) 104.T (Parking) 183.LB (Aviary Estate – Special Policy Area)

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

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

- 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'
- Policy DM1 (New Development) E15 (Aviary Estate)

Supplementary Planning Document: Planning Obligations
Supplementary Planning Document Residential Parking Standards

CHARACTER APPRAISAL AREA

Eastleigh Character Area – ELAC 24

SPECIAL POLICY AREA

The Aviary Estate Special Policy Area

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework (NPPF)

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 NPPF considers the need to, 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs', a core-principle underpinning decision-making (para.17).

Furthermore the NPPF (para17) explains the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

POLICY COMMENTARY

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

COMMENT ON CONSULTATION RESPONSES

	See below		No consultations undertaken.

COMMENT ON REPRESENTATIONS RECEIVED

	See below		Other – See Assessment of Proposal section of this report.

PLANNING OBLIGATION/CONSIDERATIONS

On the basis of the low key nature of the activity proposed in terms of vehicular movements, no developer's contributions are sought to offset the impact of the development on the local infrastructure.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Proposal

This change of use application proposes a mixed development comprising, continued dwelling house (C3) and partial use of house as a registered private hire vehicle office (Sui Generis). The submitted application forms and supporting letter from the applicant Mr Farooq explains the name of the business being "wintax cars eastleigh". Following a discussion with the Council's Licensing Team, it was left to the discretion of Officers to prescribe the number of vehicles to be operated from the premises. The following is an extract from the applicant's supporting statement;

"I will not be making any changes to the property internally or externally. I will be using one room in the property where there will be a computer or laptop and a telephone connected line will be held. I will have one employee answering calls. I hope to expand the business and have more employees we will currently run 18 hours a day the employee will work an 8 hour shift the remaining time I will divert calls to my mobile number. This is until I have grown as a business. There will be no other people entering and parking around the premises at any time."

Principal

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."

MATERIAL CONSIDERATIONS

The site is located within the urban edge and subject to the consideration of the detailed matters; the principle of development is acceptable.

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 and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes

Saved Policies 100.T and 104.T relate to new development being able to be accommodated by the existing road network and adequate on-site parking provision respectively.

Saved Policy 183.LB in conjunction with ELAC 24 of the Character Area Appraisals – Eastleigh, aims to protect the special character of the Aviary Estate.

Amenity

This application has been generated on the basis for the taxi/private hire operator to gain the appropriate licence, a stipulation being the office needs to be located within the Council's administrative area in which they operate their taxi/ private hire business. Whilst the application entails a material change of use, the office namely one room, simply receives texts, emails or phone calls and he driver is dispatched by mobile phone to collect the customer. No customers visit the application site. To ensure the business does not intensify and responding to the matters raised by the third party objector, a planning condition is to be imposed that restricts the number of vehicles, owned or licensed by the applicant and/or wintax cars Eastleigh or such other agreed person. Accordingly, there being no additional people or vehicular movements to impact on the amenities of the area.

Thereby, this application accords with saved policy in terms of respecting the host environment

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

and not causing any unacceptable harm to the amenities currently enjoyed by occupiers of nearby houses.

Highway matters

On the basis of the low key nature of the activity proposed in terms of vehicular movements the requirements of Saved Policy 100.T are not breached. Taking on-board the minimum parking requirements established for this housing development and protecting local residents amenities, a condition is to be imposed controlling the size of the business in terms the operation of a single vehicle. Whilst Saved Policy 104.T states permission will only be granted for development that provides adequate off-highway parking provision. In the context of this site the housing scheme was based on court yard parking areas within the housing area.

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/inside the designated zone of impact.

The site falls inside the 5.6kn buffer zone for the Solent SPA. However due to the nature of this mixed development application a contribution is not 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

For the reasons outlined in this report the recommendation is to permit this mixed development. Recommendation is to permit.