REF. NO. F/16/77843

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Erection of 2no.three bedroom dwellings with access from Coopers Close Land adjacent 9 Chalk Hill, West End, Southampton, SO18 3BY

SITE VISIT DATE – 09/03/2016

ARE PLANS ACCURATE? – Basic but sufficient to determine the application.

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed dwellings would be located to the rear of No.9 and accessed from Coopers Close.
SITE AREA	Total site area equates to 698 square metres with the proposed dwellings using approximately 304 square metres of this.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 66 dwellings per hectare.
TOPOGRAPHY	The site itself is generally flat and level with a slight rise of around 0.5 metres across the site from the northern boundary with Coopers Close to the southern boundary with No.11 Chalk Hill.
TREES	There are a number of small fruit trees within the garden which would need to be removed but are not covered by any preservation order or have any wider significance within the street scene.
BOUNDARY TREATMENT	All site boundaries are marked by a mature hedge which is around 2.0 – 2.5 metres in height when measured from the adjacent footway.
SITE CHARACTERISTICS	No.9 is a modest detached two storey 1920s/30s dwelling on a good size plot. It has direct vehicular access from Chalk Hill but also has a further access from Coopers Close and a detached garage at the end of the garden. The property has a small lean-to porch to the rear but is otherwise unaltered. Coopers Close is a later 1960s/70s development of detached single and two storey dwellings typical of the era.
CHARACTER OF LOCALITY	The surrounding area is predominantly residential in nature and made up of a mixture of single and two storey detached, semi-detached and some terraced dwellings, including flats ranging in age from around 1900 to present day.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
	No record of any previous planning history.	

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Fox – 4 Coopers Close	Object. The new driveway access onto Coopers Close would push on-street parking further up the close and cause access and safety concerns due to the narrow nature of the close and cars parking on the pavement. Semi-detached dwellings would also be out of keeping with the character of the close.
Cowd – 2 Coopers Close	Object. Concerns of parking being forced elsewhere within the close and insufficient parking for that proposed.
Stevens – 1 Coopers Close	Object. Overdevelopment of the site which would harm the character of Coopers Close. Would be visually intrusive and result in loss of privacy. Insufficient parking proposed and would result in further parking problems within the close.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation & Engineering	Object. “In accordance to the EBC Parking Standards, a 'minimum' of 2 on-site vehicle parking spaces are required to minimise the potential impact of roadside parking, particularly key in a location such as this nearing a highway junction. Unfortunately plans show only 1 space per dwelling which is inadequate. Additionally, in regard to the parking space that is shown, the space looks to be too small to accommodate a vehicle. The minimum dimensions of a parking space are 2.4 x 4.8m, and when directly located adjacent to a property such as in this case, an additional 'buffer space' should be supplied bringing the space closer to 6.0m in length. At present, a vehicle would likely overhang the footway which (again) would not be an acceptable scenario.”
Tree Services Manager	No objection. There are no arboricultural concerns.
West End Parish Council	Object. Overdevelopment of the site.

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 25.NC, 28.ES, 34.ES, 59.BE, 100.T, 104.T, 146.OS & 191.IN

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, DM23, DM24, DM25, DM29, DM33, DM35 & DM37

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

Supplementary Planning Document: Quality Places
Supplementary Planning Document: Character Area Appraisals – Hedge End, West End and Botley (HEWEB 2 & 58)
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."

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of the development would outweigh the benefits; or specific policies in the Framework indicate development should be restricted (paragraph 14). Local plan policies that do not accord with the NPPF are now deemed to be "out-of-date". The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given.

Paragraph 14 of the NPPF sets out the "presumption in favour of sustainable development" in both plan-making and decision-taking.

Paragraph 17 sets out twelve core principles that underpin the planning system, one of which is that planning should "always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings".

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 53 of the NPPF 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."

Paragraph 56 of the National Planning Policy Framework states that "The Government attaches great 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 14 of the NPPF sets out the "presumption in favour of sustainable development" in both plan-making and decision-taking.

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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 surrounding area, parking and highway issues, residential amenity, environmental sustainability, as well as nature conservation.

COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

See below.

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 policies 101.T, 147.OS and 191.IN of the Eastleigh Borough Local Plan Review 2001-2011
- Emerging policies DM23, DM32, DM35 and 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 Community Infrastructure, Sustainable Transport, Public Open Space and the Solent Disturbance Mitigation Partnership. These required contributions have not been secured and with therefore form a reason for refusal.

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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."*

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.

Layout, Design, Street Scene & Area Character – Although the garden to No.9 is of a good size for the modest existing dwelling, it is not considered sufficiently large enough to subdivide and create two further plots to the rear without resulting on an overdevelopment of the site. This is demonstrated by the cramped layout proposed and inability of the scheme to meet the minimum standards set out in the Council's 'Quality Places' and 'Residential Parking Standards' SPDs (see below).

While the 1960s/70s character of Cooper's Close may not be to everyone's taste, the street nonetheless has a very clear and distinct character and appearance which any new development will need to complement and be sympathetic to. The design of the dwellings proposed is considered to be very poor and extremely bland, and would do little to enhance the character or appearance of the close. In fact the loss of a large proportion of the existing hedge and introduction of a pair of rather bulky semi-detached dwellings within this relatively modest gap would have a detrimental impact upon the visual amenity of the existing street scene and the wider character of the close. As such the proposal is considered to be contrary to the requirements of 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 – The cramped nature of the site is such that the development as proposed cannot provide adequate off-road parking to meet the Council's 'Residential Parking Standards' Supplementary Planning Document standards which requires a three bedroom dwelling to provide a minimum of two off-road parking spaces. The depth of the site frontage at only 4.4 metres is too shallow to be able to accommodate a parking space without a vehicle severely overhanging the footway, which would not be acceptable. As has been set out in the comments from the Head of Transportation & Engineering it would usually be required for a driveway to be 6.0 metres long, or 5.5 metres at the least. This is likely to lead to further on-street parking along Coopers Close which is a narrow cul-de-sac which is already suffering some parking issues.

Neither the length nor width of the driveway proposed for either dwelling is sufficient to accommodate the Council's minimum requirements and is considered sufficient on its own to refuse the application being contrary to saved Policies 59.BE and 104.T of the adopted Local Plan, Policy DM24 of the Submitted Local Plan and the 'Residential Parking Standards' SPD.

Residential Amenity – When considering residential amenity there are two main areas, the impact of that proposed upon existing neighbouring properties and the quality of environment created for future occupiers of the development. The main area of concern for future occupiers is the size and quality of

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

external amenity space proposed. The Council's 'Quality Places' SPD requires the useable areas of private amenity spaces to be a minimum of 60% of the floor area of the dwelling which it serves. In this instance the total floor area of each of the proposed dwellings is 98 sqm, which would equate to a minimum garden area of approximately 59 sqm in order to meet the 'Quality Places' requirements. At 55 sqm, while the proposed garden areas are only slightly under this requirement, it is a further indication that too much development is being proposed for the site. At a depth of only 7.0 metres and having a 4.0 metre high boundary hedge along their southern boundary, these garden spaces would also be rather overshadowed and would provide a pretty poor quality of outlook for the rear living space. There are also concerns that these garden spaces would be overlooked to a detrimental extent by existing neighbouring properties, in particular by Nos.9 & 11 Chalk Hill.

Moving to the impact upon the amenity of existing neighbours, the main concern is for occupiers of No.9. While in plan the property would appear to have a good size garden, when viewed on site it is not as large as would be expected. Although the area of garden remaining for No.9 meets the 60% minimum, its rear elevation would only be 6.4 metres from the flank elevation of the nearest proposed dwelling. This would result in an adverse and unacceptable impact upon the outlook from the rear of No.9 appearing very oppressive.

While some concerns of loss of privacy have been raised by neighbours at No.1 Coopers Close, at some 20 metres distance between the front elevations of No.1 and those proposed, and being across a street, this would not in planning terms be sufficient to be considered as an adverse loss of privacy and would not be sufficient grounds for refusal. However, there may well be issues of loss of privacy to No.11 Chalk Hill whose rear windows would be 16-17 metres from the first floor rear windows of the dwellings proposed. While at a slight angle, it would likely still be sufficient to result in some loss of privacy.

Overall therefore, that proposed is considered to be contrary to the amenity requirements of saved Policy 59.BE of the adopted Local Plan, Policy DM1 of the Submitted Local Plan and the Council's 'Quality Places' SPD.

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 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. A contribution is therefore required to mitigate the increased recreational pressure resulting from the development.

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made 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 withdrawn the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. 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.

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CONCLUSIONS

While there may be scope for a single detached dwelling to the rear of No.9, that proposed would be an overdevelopment of the site which would not complement or enhance the appearance or character of the area, and which would have an adverse impact upon the amenity of neighbouring dwellings and provide inadequate off-road parking to the detriment of the amenity and highway safety of Cooper's Close. As such the application is recommended for refusal.