REF. NO. F/14/74016

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Conversion of dwelling to two flats comprising ground floor one bed studio apartment and one bed flat above. 3 Salisbury Close Eastleigh SO50 9BN

SITE VISIT DATE – 28/04/2014

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Retrospective application for the conversion of 3-bed dwelling to 1 no. 1-bed studio flat and 1 no. 1-bed flat.
SITE AREA	200.4 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	100 dph
TOPOGRAPHY	Flat site
TREES	None
BOUNDARY TREATMENT	Open front boundary, low level fence or wall on the side boundary to frontage. 1.8m fencing to rear garden boundaries.
SITE CHARACTERISTICS	Mid terrace, two storey 3-bed dwelling with front garden converted to hardstanding and rear garden with rear store. Rear access from public back accessway.
CHARACTER OF LOCALITY	Residential area in Eastleigh close to railway line and approx. 300m from the edge of the Town Centre.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/10/67658	Conversion of dwelling to two flats comprising ground floor 1-bed studio apartment and 1-bed flat above	07/09/2010, Withdrawn

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	No comments received

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Env Health	Thank you for consulting this Service on the above application. I have reviewed the information provided / that held by this Service and note the following: □ The proposed layout has bathrooms over / under bedrooms □ There are no details about the adjoining properties

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	□ The conversion of the property was completed in September 2010 □ To date this Service has not received any noise complaints about either of the flats nor about either of the neighbouring properties I therefore wish to make the following comments: □ The layout proposed is not ideal due to the locations of bathrooms in relation to the bedrooms in the two flats □ It is assumed that the first floor living room is ajoining a bedroom in the neighbouring property □ The proposed new end use, although still residential, will bring noise sensitive receptors to different sections of the building. Due of the proposed layout, there is the potential to impact on the amenity of both the future residents of the flats and the current / future residents of the neighbouring dwelling. □ It is understood that the provision of noise insulation between the two flats falls under the requirements of Building Control and the building regulations (Part E), however the requirement for similar levels of insulation of the party wall between the new flats and the existing residential dwelling, is unclear. We would therefore seek the same standard of protection, as required under the building regulations (Part E) for the party wall. and therefore considering the above I would have recommended the following condition: The party wall between the proposed new flats and the existing residential dwelling is to have the standard of noise insulation as specified by 'Part E' of the building regulations. However considering the work has been completed for over 3 1/2 years, the flats have been occupier and we have not, to date, recieved any complaints about noise; this Service does not object to the proposed development and, in this instance, we do not wish to recommend the above condition.
Engineers	Objection due to insufficient parking. Given the location of the dwelling, it would be acceptable for the development to provide the minimum parking requirement whilst still conforming to the EBC Parking Standards. This would equate to 2 unallocated parking spaces as shown on plans. However, the parking shown on plans bordered by walls/fencing either side mean that to enable door access and a bin/cycle passing point, they need to be 5.6m (0.4m / 2.4m/2.4m/0.4m) plus a minumum 0.6m for bin storage as indicated on plans. This totals 6.2m, but the frontage width of the property is a reduced 5.1m (taken from GIS), and as such this is an insufficient width, particularly when considering it would be a shared drive. Furthermore, it should be noted that the dwellings would NOT be eligible for CPZ permits as a new dwelling, and as essentially removing on-street parking theough the implementation of a public driveway, it would be considered there would be an overall loss in parking provision. There is a rear access road, so there is potential to provide additional parking here, however this would need to formally shown on plans and conditioned via Condition E04. This could potentially result in allocated parking of 2 spaces each (2 for one flat at the front / 2 for 1 flat at the rear) as widths could be reduced slightly if they were not shared spaces.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	A fully scaled revised plan (showing parking space widths, bin widths, and rear access road widths) needs to be provided to demonstrate how this may be achievable. In regard to cycle storage, though this is outlined on the plans, further information on its structure and dimensions are required. 1 cycle parking space per dwelling is required, which if in a communal store, should measure no less than 1.0 x 2.0m in size. In regard to transport Developer Contributions, if the application is to be permitted, then these will be required in line with the HCC Transport Contributions Policy. For these specific proposals, utilising information provided, this would equate to a contribution of £215 (+ indexation). 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 develepment. 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: The scheme shows two parking spaces and bin storage on frontage, but the space available is not sufficent to fit as indicated. Matt will comment on acceptability of scheme with reduced parking. NB: This development is located within a resident's parking scheme and it is Council policy that residents of all new developments* will not be eligible for parking permits. (*development means the construction of new or replacement buildings or alterations to existing buildings that result in an increased demand for parking not catered for within the development).
Housing Services	There will be no affordable housing due on this site therefore we have no comments to make.

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) 28.ES, 59.BE, 85.H, 101.T, 104.T, 147.OS, 191.IN
Revised Draft Eastleigh Borough Local Plan 2011-2029: DM1. DM2, DM24, DM25, DM29
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Residential Parking Standards
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

NATIONAL PLANNING POLICY GUIDANCE

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).

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to parking, amenity, character and loss of family housing.

COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

N/a

PLANNING OBLIGATION/CONSIDERATIONS

Planning contributions would be required in accordance with the Council's adopted Planning Obligations SPD, due to the creation of an additional dwelling. Contributions are required for Transport, Community Infrastructure, and Public Open Space.

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 is located within the built urban edge, in an established residential area. As such, the general principle of development is accepted, subject to the proposed scheme being appropriate in nature, scale and design, in compliance with the relevant local planning policies and guidance. In this case, the relevant saved local policies are 28.ES, 59.BE, 85.H, 101.T, 104.T, 147.OS, 191.IN. Specific to this form of development is saved policy 85.H relates specifically to the conversion of detached, semi-detached and terrace properties and states that planning permission for the conversion of mid-terrace properties will not be permitted. In purest policy terms, the principle of development in this case is not accepted. This is discussed further below.

Saved policy 28.ES relates to the provision of adequate refuse storage and collection facilities. 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, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes. Saved policy 104.T requires development to provide adequate off-highway parking.

Finally, saved policies 101.T, 147.OS, 191.IN relate to securing developers contributions to mitigate the impact of the scheme.

Loss of Family Housing:

Due to the location of this property, close to Eastleigh Town Centre, smaller housing units are often desirable. It is not considered the loss of a single family unit would result in a significant loss of such housing.

Parking:

Saved policy 104.T states that permission will only be granted for developments that provide adequate off-highway parking provision, supported by the Council's adopted Residential Parking Standards SPD. An objection from the Council's Engineering unit has been received with regards to the on-site parking provision. The parking area which has been provided on the frontage is of an insufficient width to accommodate the necessary two unallocated parking spaces. In addition, bin storage is also shown for the frontage, which further reduces the available space for parking two vehicles. Following a site visit, it does not appear there is sufficient space to allow vehicular access to the rear garden.

However, the site is located close to Eastleigh Town Centre where it could be argued the need for parking is reduced due to the sustainable location. Further, there is already a dropped kerb in place to the front of the property with a white line across its width, therefore the use of the frontage for parking would not result in the loss of on-street parking.

Policy 85.H requires car parking to be situated more than 3m from the nearest point of any dwelling, to limit the potential harm to residential amenity due to noise and light pollution. It is not possible to accommodate this on the frontage; however, this situation is present at a number of properties in this area and adjacent to the site. In addition, the property has been subdivided for 3 and half years, utilising this space for parking, without this being raised as an issue. It is therefore difficult to argue a case for refusal on this matter.

Were the bin storage located to the rear of the space, this would free up additional space on the frontage. This could be dealt with by condition.

Residential Amenity:

As discussed above, there is the potential for the provision of parking on the frontage to result harm to residential amenity due to the proximity of parking to the main habitable room of the ground floor flat. However, the property has been subdivided for a number of years without incident and this frontage parking arrangement is not atypical. Given this, it is considered difficult to justify a reason for refusal.

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.

Conclusion:

This change of use has operated for a number of years without issue and provides smaller units of accommodation, in a sustainable location. Whilst the Council would not typically support applications such as this one, in considering this application, the LPA needs to consider whether a refusal of the scheme would be supported at appeal. In reviewing the retrospective application, it

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

is considered it would be difficult to substantiate a refusal at appeal.

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

The recommendation is to permit, subject to conditions regarding bin and bike storage; and securing appropriate developer contributions.