MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/13/73540

DESCRIPTION/ ADDRESS	Erection of 2no. 2 bedroom dwellings with attached garage & associated car parking, with access from Upper Northam Road, following demolition of existing garage 41 Upper Northam Road Hedge End Southampton SO30 4EA

SITE VISIT DATE	19/12/14			
ARE PLANS ACCURATE?	X	Yes		No. If not why not…….
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	X	Yes		No. If not why not…….

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Erection of 2no. two bed detached dwellings in the rear garden of 41 Upper Northam Road. The dwellings are two storey measuring 5m(w) by 8m(d) by 8.2m(h) and have a attached single garage and driveway at their side. The houses are accessed from Upper Northam Road along the side of the existing dwelling to a rear parking and turning area. The houses have their gardens to the rear where they back onto Chalice Court.
SITE AREA	2000m2
RESIDENTIAL DEVELOPMENT DENSITY (NET)	15 dwellings per hectare
TOPOGRAPHY	Land is level at front then slopes steeply downwards a back on the garden towards Chalice Court.
TREES	The site is located close to a number of mature trees which are covered by Tree Protection Orders. The closest being a Beech Tree which is on land directly adjacent to the house/ garage TPO 227).
BOUNDARY TREATMENT	2m high close boarded fence surrounds rear garden.
SITE CHARACTERISTICS	The site contains a bungalow fronting Upper Northam Road set in a large plot stretching all the way back to Chalice Court.
CHARACTER OF LOCALITY	Residential Area. The site is directly adjacent to a woodland strip and is enclosed by housing on three sides.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/29598	Outline: residential development	Granted 04/08/1988
Z/29598/002	Approval of reserved matters: Erection of 10 detached houses	Approved 04/08/1988

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/29598/004	Substitution of house types (Plots 15 to 26)	Permitted -12/09/90
Z/29598/005	Sub-division of plots 14 and 16 and construction of 4no.three bedroom dwellings	Permitted 11/08/93

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
4 letters of objection (18, 19, 20 & 20a Chalice Court)	- Proposal is on higher ground and so would appear larger and be visually intrusive. - Proposal would block out light and increase levels of overlooking into the houses along Chalice Court. These houses are already dark as they are close to trees therefore light is more important. - Site is adjacent to a nature reserve and the proposal would result in a loss of TPO trees and adverse affect on wildlife. - Additional pressure on on-street parking within Chalice Court and restrict access for emergency vehicles. - Increased run off leading to further flooding and sewage discharge. - Driveway to houses needs to be larger to accommodate two-way traffic. - Parking area adjacent to no.20 and cars would cause unacceptable levels of noise, dust and smells. - Access is dangerous as cars would exit onto a busy road opposite an existing junction (Yew Tree Close). - Overdevelopment of the site. - Loss of the view over the trees and open space.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hedge End Town Council	No objection
Transportation & Engineering	No objection in principle on transport policy. Parking conforms to standards for all dwellings, and there is adequate space for turning on-site to enable forward gear access and egress for cars. A bin store will however be required, as the drag distance is a little excessive and could result in the bins being left obstructing the footway or adjacent access points. This will need to be located towards / at the front of the property. In regard to transport Developer Contributions, as a new development, transport developer contributions are required in accordance with the HCC Transport Contributions Policy. For a 2 x 2-bed dwellings, this equates to a contribution of £7,490 (+ 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 development. Full details of identified transport

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	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 For fire access requirements under Building Regs there needs to be a 3.7m access way to extend within 45 m of the dwellings, the access track on amended layout is shown divided with only a 3m width. An amended access arrangement is needed to accord with what will be required to achieve Building Regs approval. Also the site layout does not show it would be drained for foul and surface water which could affect other land beyond the site boundaries.
Trees	Objection I have now had the opportunity to visit the proposed development site in conjunction with the Tree Survey Report prepared by CBA Trees. I can verify I concur with the findings of the tree survey and tree categorisation in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction. No Arboricultural Impact Assessment or Method Statement has been provided to support the application. There are a number of individual and group tree preservation orders in or adjacent to the current property. Some of these trees are significant in size and no account of their root protection areas has been taken in regard to the proposed location of the new dwellings.
Ecology	Objection In the absence of any supporting ecological information, I object to this application. The submitted biodiversity checklist indicates that the proposals will affect a building (presumably the garage) which has features that could support bat roosts. However, no subsequent bat assessment appears to have been submitted. Furthermore, I am concerned that the large oak trees adjacent to the site would be under threat from the access. These may also support bat roosts, but no assessment has been provided. In the absence of this information, EBC is unable to discharge its duties regarding the assessment of impacts on European Protected Species under the Habitat Regulations 210, as amended, or its wider duties under the Natural Environment and Rural Communities Act 2006 to have regard to the conservation of biodiversity. The lack of any proposed biodiversity enhancements and compensation measures for loss of garden habitat is disappointing given the opportunities for incorporating simple features such as nest boxes. Please note, if these objections are overcome, the proposal involves an increase in residential housing within the adjusted 5.6km buffer of the Solent European Sites. Therefore, in accordance with recent advice

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	from Natural England (see email from Richard Mould-Ryan dated 21/11/13), a contribution should be taken towards the SDMP in order to avoid, in combination with other development, a likely recreational disturbance effect on the SPA.
Environmental Health	I have reviewed the information provided and note the following: - The location of the proposed development site is adjacent to existing residential properties. - Access to the proposed development site is via the driveway of the existing residential property. The construction of the proposed development has the potential to impact on the amenity of the existing residential properties. I therefore recommend that conditions requiring a construction management (for noise and dust) controlling working hours and no burning on site are imposed.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Close to TPO trees

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

Eastleigh Borough Local Plan Review (2001-2011) 28.ES (Waste Collection/Recycling), 59.BE (Development Criteria), 72.H (Density), 75.H (Density), 100.T (Minimise Travelling), 101.T (Infrastructure Contributions), 104.T. (Parking), 147.OS (Public Open Space), 191.IN (Social Infrastructure).

Revised Draft Eastleigh Borough Local Plan 2011-2029: DM1, DM2, DM9, DM23, DM24, DM25 & DM37.

Supplementary Planning Guidance: Quality Places, Biodiversity, Planning Obligations, Environmentally Sustainable Development & Residential Parking Standards

CHARACTER APPRAISAL AREA

Hedge End, West End and Botley Character Area – HEWEB 25 (no relevant guidance)

SPECIAL POLICY AREA

None

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

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, trees, nature conservation, street scene and character of the area.

COMMENT ON CONSULTATION RESPONSES

The comments will be discussed in the assessment section. Foul and surface water drainage can be dealt with via a pre-commencement condition. Fire access is assessed under separate legislation (Building Regulations) and is not a material planning consideration.

COMMENT ON REPRESENTATIONS RECEIVED

The impact on neighbouring dwellings (in terms of visual intrusion, amount of light, overlooking and noise), affect on wildlife and trees, car parking and access & amount of development will be considered in the assessment section. The loss of a view is not a material planning consideration and so can not be considered as part of this application.

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the provisions of Circular 05/05 saved policies 101.T, 147.OS and 191.IN of the Eastleigh Borough Local Plan Review 2001-2011 and supplementary planning document. 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 and Public Open Space. The applicant has not stated how the contributions will be secured.

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."

MATERIAL CONSIDERATIONS

The site is located within the urban edge and is bound by residential properties. It is located within an accessible area, with good pedestrian and cycle links to nearby facilities at Hedge End Centre. As such the principle of housing is acceptable, subject to the consideration of the detailed matters.

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 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, Appearance and Layout

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The proposed houses have been positioned so that they fit in with the two storey dwellings within Chalice Court. While this is a good principle for the development, the houses need to be re-orientated so that they front onto Chalice Court and so match the adjoining dwellings and pattern of development within the locality. The current scheme turns its back on Chalice Court, with its enclosed rear gardens abutting the road. As such the proposed houses would fail to fully integrate with the properties along Chalice Court and would instead become an awkward add on at the end of the cul-de-sac. As well as re-orientating the houses, I also consider that the design of the dwellings could go further in replicating the mock tudor style and features present on the neighbouring dwellings.

Residential amenity

The proposal is situated on high ground with the land dropping steeply downwards from the back of the garden to the rear houses. This means that the proposed dwellings will be on a similar level to the first floor of 19 Chalice Court (which is positioned directly behind the site). Due to this level difference the new houses will appear more like three storey properties and so be very imposing when viewed from the from windows of the rear house.

I am also concerned that the physical mass of the two storey houses will block an unacceptable amount of light from the lounge and bedrooms in the front of 19 Chalice Court. This impact is further exacerbated as the proposed dwellings are on elevated ground and are positioned due south of their neighbour. 19 Chalice Court is already fairly dark, being enclosed by trees with its rear windows facing north. As such any further loss of light will be particularly felt by these residents. I also consider that the proposed two storey houses will have a detrimental impact on the outlook and light available to the residents of 18 Chalice Court, although to a lesser degree as the property is not directly facing the site.

In terms of overlooking, a minimum distance of 22m is recommended between first floor windows in habitable rooms (as specified within Quality Places SPD). The scheme meets this requirement providing 24m between the proposed houses and neighbour at 19 Chalice Court. However, taking into account the proposals elevated position there is likely to be some level of overlooking, or at least perceived overlooking, from the upper bedroom window directly over the hedge down into the lounge and bedroom windows of 19 Chalice Court.

Having come to this view point, I have considered that the houses along Chalice Court have a similar relationship (with dwellings on the southern side affecting the light, outlook and privacy of their northern side neighbours). However, in this case the distance between the proposed houses and 19 Chalice Court is slightly closer than many of the surrounding properties and thus will have more of an impact. Moreover, just because a similar relationship already exists within the cul-de-sac, it is not sufficient justification in itself to repeat the pattern which would further disadvantage the residents of Chalice Court.

Another concern is the impact the proposal will have on the existing dwellings at 41 Upper Northam Road and 20 Chalice Court. The most contentious issue being the 50m long driveway, which leads to a parking and turning area for the two proposed houses. This driveway runs right the way along the side of the bungalow (which has a kitchen and lounge window) and its rear

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garden. The introduction of cars (and associated noise and disturbance) in such close proximity to their property will create a nuisance for these residents. A similar affect will be felt by the residents of 20 Chalice Court whose rear garden will be directly adjacent to the proposed parking and turning area.

Trees and Amenity

There are a number of individual and groups tree preservation orders in or adjacent to the current property. Some of these trees are category A and are attractive specimens and of a significant size (such as the Common Beech Tree at the rear and Oak Trees beside the bungalow). No Arboricultural Impact Assessment or Method Statement has been provided and no account of root protection areas has been taken in regard to the proposed location of the new dwellings. As such the proposal has the potential to damage the health and long term retention of many of these protected tree that enhance the wooded character of the locality.

Another concern is the proximity of the matures trees meaning that the proposed living spaces and garden will be overshadowed and therefore fairly dark. Although the gardens sizes are over the required 60% of the properties' floor space (as specified with Quality Places SPD) excessive shadowing from the trees is going to render much of the space unusable. In addition light to the rear kitchen/ dinning area and bedroom will also be restricted, as their gardens are within 30 degrees of North and are under the required 12m depth (as specified with Quality Places SPD). The combination of the northerly garden and nearby trees will result in a dark and poor quality living environment. The presents of the dwelling will also place additional pressure to prune the trees, which could further jeopardise their health and long term retention.

Nature conservation

The submitted biodiversity checklist indicates that the proposals will affect a building (presumably the garage), which has features that could support bat roosts. Furthermore, the large oak trees adjacent to the site would be under threat from the access and these may also support bats. However, no subsequent bat assessment or biodiversity information has been submitted. As such the proposal has the potential to harm protected species and other wildlife. In addition the scheme does not incorporate simple biodiversity enhancements (such as nest boxes) and so fails to compensate for the loss of garden habitat.

In the absence of this biodiversity information, EBC is unable to discharge its duties regarding the assessment of impacts on European Protected Species under the Habitat Regulations 210, as amended, or its wider duties under the Natural Environment and Rural Communities Act 2006 to have regard to the conservation of biodiversity.

Other Issues

- The scheme provides two on site car parking spaces for each of the two bed houses (driveway and garage) and the existing bungalow. There is also some space at the front of the proposed dwellings to cater for visitors. As such the proposal meets the Councils residential parking standards and is unlikely to lead to further parking within Chalice Court.
- The proposal utilises the existing site access onto Northam Road and no objection has

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been raised by the Council's Engineers to the increased use of this access for the new dwellings.

- The council requires new dwelling to reach level 4 of the code for sustainable homes and meet a number of essential requirements outlined in Environmentally Sustainable Development SPD. Although a sustainability checklist has been submitted, this is very limited and so pre-commencement conditions will be required.
- Foul and surface water drainage can be dealt with via a pre-commencement condition. It maybe possible to use permeable material for the hard standings and soakaways to limit surface water flooding. The applicant would also need the permission of Southern Water to connect to the foul sewage network.

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 refuse for the reasons outlined above. The proposal will also be refused the proposal fails to make contributions towards the provision of essential facilities & infrastructure, the need for which will increase as a result of the proposal.