MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/13/72547

DESCRIPTION/ ADDRESS	Erection of 1no. 4 bedroom dwelling with associated car parking, garden & cycle storage and formation of new shared access (amended description) 33 Freegrounds Road Hedge End Southampton SO30 0HS

SITE VISIT DATE	July 2013			
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	Two storey dwelling with rooms in the roof served by rooflights and a dormer window to provide a 4 bedroom property. A new access shared with the existing no.33 is proposed leading to three parking spaces for each property. The existing outbuildings would be removed whilst the boundary hedging to the front is proposed to be reinforced where required.
SITE AREA	0.033ha for the application site and 0.068 ha for both dwellings
RESIDENTIAL DEVELOPMENT DENSITY (NET)	30 dph
TOPOGRAPHY	The dwelling is set approximately 0.8m lover than the highway, whilst the garden to the NW is slightly lower. No31a is approximately 1m higher to the west.
TREES	Conifer trees are growing along the NW side and the rear boundaries. The trees are as high as the house on the side but have been topped at the rear to leave rather unsightly trunks exposed.
BOUNDARY TREATMENT	1.8m high fence to no.35 Freegrounds Road, hedging with fencing to the remainder of the boundaries.
SITE CHARACTERISTICS	Detached dwelling with car port to side. Detached structures used for garaging and store at rear, along with hen houses. Reasonable size garden to the side and rear
CHARACTER OF LOCALITY	Residential comprising of mostly two storey properties, some detached and some semi-detached. The property is very similar in design to no.35, the eaves are the same height but no.33 has a slightly higher ridge line.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION

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REFERENCE	DESCRIPTION	DECISION
F/13/72548	Two storey side & rear extension and conversion of roof to living accommodation, with 2no roof lights and 1no first floor window at side	Permitted September 2013
Z/15640/000	extension of existing dwelling house - car port at g/level, 1 habitable room and shower room above	Permitted 1975
WIR20553004	Erection of one detached dwelling with integral garage **Refused** – Cramped form of development. **Appeal** dismissed on grounds "..of loss to the present harmony and spaciousness of this part of the neighbourhood".	Refused 1972
WIR20553006	Construction of vehicle access	Permitted 1973

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Mrs & Mrs Edwards 26 Freegrounds Road	Object: Over development, 5 ensuites means it could be let increasing the number of vehicles, inadequate parking, accuracy of street scene questioned. Oak to front has recently been removed.
E Case 24a Freegrounds Road	Observation: Over development, impact on trees, impact on piped watercourse, poor sightlines for access
Mr Gardiner 31a Freegrounds Road	Object: loss of light to garden and windows, permission not given for connection to existing culvert, they have access over the stream/ditch, damage and impact on existing culvert, resultant flooding elsewhere along the ditch, prevented access to inspect own pipes, who is responsible for the new culvert, potential damage to retaining boundary wall, how are existing rain water piper draining in to culvert to be addressed, excavating sub-base for car parking and/or fencing could impact on culvert, possible overlooking, mains sewer could be running parallel with ditch inside of the site, covenant states no dwelling to be built on this garden,
Mr & Mrs Cope 26a Freegrounds Road	Object: No information on the location of the culverted ditch or the mains sewer that passes through the site, over development
Mr Redfern 3 Melbourne Gardens	Object: Already surrounded by properties and this will encroach on current living space
Mr Garley 9 Melbourne Road SO30 0JE	Object: Tree would likely be felled resulting in overlooking.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hedge End TC	Object: Over development

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Boroigh's Tree officer	No objection - the conifer trees are not of significant amenity or ecological value, therefore are not worthy of a TPO. The root system would be relatively shallow and it is possible the construction process could lead to root compaction and/or result in the trees not surviving. The canopy of the trees would need to be reduced to facilitate the scaffolding. The removal of the trees would ease construction. My only slight concern is in regard to the Robinia tree situated at the front of the adjacent property, no.35. They propose three parking spaces to replace the existing driveway, which will be within the root protection area of the tree. In principle this will be okay so long as there are no significant changes in levels.
Borough's biodiversity officer	No comments received.
Head of Transportation and Engineering	No objection on highway grounds – Sufficient vehicle and cycle parking is provided along with on-site turning space. The existing driveway access is on a slight bend, however the speed and remaining visibility indicate this is sufficient to act as a double drive, with relatively few additional trips anticipated. In regard to Transport Developer Contributions, as a newbuild development, the proposals are liable to a request for DC's. In accordance to the HCC Transport Contributions Policy, this equates to £5,457 (+ indexation). Although meeting highway standards, the development of this site as proposed could not be supported because of the implications on land drainage and potential flood risk as raised by other technical consultees .
Envt Agency	Object: Our response to this application on flood risk matters is on the understanding that the LPA is satisfied that the Sequential Test has been adequately demonstrated to the requirements of the NPPF Paragraph 101 and Paragraph 3 of the Technical Guidance to the National Planning Policy Framework. We **object** to the application and recommend refusal of planning permission on this basis for the following reasons: 1. Proposed culverting of a main river (Marls Road Tributary). 2. Inadequate Flood Risk Assessment (FRA) 1. Culverting is unacceptable because – • Increase flood risk through a loss of channel capacity. • Restrict essential maintenance and emergency access • The permanent retention of a continuous unobstructed area is essential requirement for future maintenance/improvement • Potential increase in flood risk is against para 103 of the NPPF and national flood risk planning policy. • The proposed culverting would also be unlikely to receive the required Flood Defence Consent from us for the same reasons. • The DAS states page 2, that discussion has taken place with

CONSULTATION RESPONSES

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	the Environment Agency regarding the introduction of an access chamber to the proposed culvert. We are not aware of any discussion regarding this. We have previously advised however that Flood Defence Consent would not be granted for culverting this part of the Marls Road Tributary. • The proposal also does not explore the impact culverting the stream will have upstream and whether the culvert will provide significant capacity. 2. Flood Risk Assessment • In FRA 3 not 2 as set out in submission. The FRA does not adequately assess the risk of flooding to the new development. No flood levels have been obtained for the site and as a result it cannot be determined through the proposed finished floor levels that the building will remain dry internally over its development life. The submitted form within the FRA document states that the finished floor levels will be no lower than the existing building. However this form is standard advice for minor extensions and therefore not appropriate for this development. • There would be a loss of flood storage. Therefore this would need to be compensated for through mitigation options. The FRA fails to note what mitigation options will be implemented. The FRA needs to show there will be no displacement of flood water elsewhere. Advice to LPA • If the design flood event were to occur the proposed development may not have a safe means of access and/or egress • If the LPA is not satisfied, taking into account all relevant considerations, that the proposed development can be considered safe without the provision of safe access and exit then planning permission should be refused.
HCC Ordinary Water Course Team	This watercourse is classes as a Main River which lies under the Environment Agency area of responsibility.

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 (Waste Collection/Recycling), 41.ES (development adjacent to watercourses), 42.ES (development within catchment of a watercourse), 43.ES (development in areas of risk of flooding) 59.BE (Development Criteria), 72.H (Density), 75.H

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

(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 (general criteria), DM2 (Environmentally Sustainable Development), DM4 (flood risk), DM5 (water course management), DM6 (Flood defenses), DM24 (parking), DM25 (residential development in urban areas)

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

CHARACTER APPRAISAL AREA

Hedge End, West End and Botley Character Area – HEWEB 30

- Guidance is to retain grass verges, maintain predominant plot widths and continuity of building line, maintain uniformity in building heights within each street.
- Strength of character moderate (covers a large area)
- Plot width 10 – 12m

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

X	See below		Other……

COMMENT ON REPRESENTATIONS RECEIVED

X	See below		Other……

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. Negotiations did not take place with the applicant on the contributions that this scheme would generate due to the objection in principle to development. However, to safe guard the position of the LPA, the lack of contributions has formed a reason for refusal. The LPA would be willing to work with the applicant in addressing this reason for refusal should an appeal be submitted.

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

Principle

The site is located within the urban edge and is bound by residential properties. It is located within an accessible area, close to a bus route, with relatively good pedestrian and cycle links to nearby facilities. The density of this proposal is 30 dph, and the scheme is not considered to be an over development of the plot when looked at in isolation. The principle of new dwellings within the urban edge is supported but this is subject to the consideration of the detailed matters as outlined below.

Layout, design and street scene

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.

In this part of Freegrounds Road, properties are generally grouped in clusters of similarly designed and positioned properties presenting a varied and interesting street scene. The proposed dwelling draws on the siting and design of no.33 through the use of a pitched roof and bay front window but is significantly narrower than its neighbouring dwellings due to the restricted width of the plot available. However, this in itself is not considered unreasonable given the varied design of properties along the northeast side of Freegrounds Road. It is noted that a scheme for a dwelling here was refused in 1972 for being cramped and at odds with the spacious harmony of the locality. However, due to the dwelling being set back from the highway by 15m, the presence of trees and hedging around the site and the various extensions that have taken place to other dwellings, it would be difficult to demonstrate the harm caused to the street scene by the presence of a dwelling in this location. The street scene plan submitted needs to be questioned for it does not show the shared drive, but this is not a fundamental issue. The proposal does raise concerns due to its close proximity to the ditch along the northwest boundary and the impact of the dwelling on no.31a Freegrounds Road. The impact on maintenance of the ditch, flooding related matters and the impact on residential amenity (all discussed later in the report) demonstrate that the design, scale and siting of the dwelling would not respect the setting of the property and it fails to accord with saved policy 59.BE.

Drainage and Flooding

The site is located within flood zone 2 and 3, as well as being within 8m of a main river (Marls Road Tributary). Saved policy 41.ES states development will be refused if it has an adverse impact on the drainage regime of a watercourse and there is a presumption against the culverting of a watercourse. 42.ES states development will be refused in the catchment of a watercourse unless it can be demonstrated the development would not hinder the effective maintenance of the watercourse and it would not cause increased floodrisk (reiterated in NPPF para 103). Being within zones 2 & 3, there is a risk the site could flood and to accord with policy 43.ES the

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

development must demonstrate adequate flood defence measures (reiterated in NPPF para 103). A sequential approach to assessing the suitability of locating development as advocated by para 101 of the NPPF is not reasonable in this instance. The applicant is not speculative nor seeking to secure undeveloped land for development. The site forms part of his own garden and there is no alternative site available.

The application includes a Flood Risk Assessment (FRA) within which it proposes the culverting of the open ditch to alleviate flood risk for the site as well as outlining flood resilient construction methods. The Environment Agency (EA) have been critical of the FRA advising they are against the culverting of ditches and that a Flood Defence Licence would unlikely be granted. Such a proposal would restrict maintenance and emergency access to the ditch and being constructed so close could impact on the integrity of the ditch. Furthermore, no evidence has been provided to demonstrate that the culverting of the ditch would not have a detrimental impact on the function of the ditch further upstream. The FRA does not adequately assess the risk of flooding to the new development. No flood levels have been obtained for the site and as a result it cannot be determined through the proposed finished floor levels that the building will remain dry internally over its development life. Advising the finished floor levels will be no lower than the existing building is not suitable or sufficient for a new dwelling. Further, there would be a loss of flood storage and this would need to be compensated for through mitigation options. The FRA fails to note what mitigation options will be implemented. The FRA needs to show there will be no displacement of flood water elsewhere. As submitted, the proposal fails to accord with policies 41.ES – 43.ES and paragraph 103 of the NPPF.

Concerns have been raised by third parties in respect to the uncertain positioning of the main sewer passing through the site. Although important to identify its true location, it is not fundamental to whether planning permission can or cannot be granted. This is a matter the applicant would need to address if planning permission had been granted.

Residential amenity

Policy 59.BE (vii) requires development to be an appropriate use for the locality and avoid unduly impacting on adjoining uses through various means including overlooking, loss of daylight and loss of outlook. To assist with assessing the impact of a development on neighbouring properties Supplementary Planning Guidance: Quality Places has been produced which gives useful guidance. The proposed plot would retain a reasonable size garden for no.33, whilst the existing patio doors in the side elevation are shown on the recently permitted scheme for the extensions as being blocked up and replaced with smaller obscure glazed windows. If this window remains, the dwelling would obstruct significant amounts of light to the window. However, this is not the primary window as there is a large bay window to the front which would allow adequate daylight. The proposed dwelling is slightly further from the rear boundary than no.33 (11m compared to 10.3m) allowing 22m to the rear of the Melbourne Gardens properties, which meets amenity standards. Similarly, the distance (excess of 20m) and the oblique angle ensure the privacy of 9 Melbourne Road is preserved.

The scheme would have an impact on the adjoining property, no 31a Freegrounds Road to the northwest. The dwelling is less than 2m from the conifer tree screen/boundary and 8m from no.31a itself. The flank elevation of the dwelling extends the full length of the rear garden of no.31a and even with the trees, by virtue of its close proximity, will have a significant and overbearing impact on the amenity enjoyed by no.31a. However, concerns have been raised to the long term health of the conifer trees if the dwelling was built such that their retention could not be guaranteed or justifiably secured. The loss of the trees would intensify the impact of the new build on no.31a resulting in a very dominant and oppressive property due to its height, location and design so close to the common boundary. It would be possible to obscure glaze the side

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

facing windows to ensure privacy is protected, although due to the number of windows overlooking the garden of no.31a there would be the perception of being overlooked still.

The proposal would provide sufficient amenity space for a new dwelling of this size in accordance with the draft policies of the emerging local plan.

Highway matters

Policy 59.BE (v) requires development to have a satisfactory means of access. Policy 100.T expects development to be sited close to, or well served by, public transport, cycling and walking. Policy 104.T states permission will only be granted for development that provides adequate off-highway parking provision. The site is sustainable and affords good access to local facilities via all modes of transport. The shared access approach is welcomed for it enables on-site turning to be provided rather than vehicle having to enter or egress the site in reverse. The Head of Transportation and Engineering has confirmed that although close to the bend to the west, the visibility, the low speed of traffic and modest increase in use of the access are sufficient to ensure that the scheme would not cause harm to highway safety. The proposed dwelling and extended no.33 would both be four bedroom properties. The adopted SPD on Residential Parking requires three parking spaces for a dwelling of 4 or more bedrooms, as such both would comply with this standard. Overall, the scheme accords with the aforementioned policies of the adopted local plan.

Trees – Policy 59.BE (i) requires development to take full and proper account of the various material issues, including natural features and trees worthy of retention. The felling of the oak tree to the front is unfortunate but did not require permission from the LPA. Currently the conifer trees along the side boundary offer a good level of screening between the site and no.31a, albeit that they also impact on the level of sunlight that reaches the garden of no.31a in the mornings. The tree officer has advised the conifers are not worthy of retention and it would be unreasonable to impose a condition that they be retained, especially to the height needed, to screen the new dwelling. Furthermore, the trees are well within 2m of the proposed dwelling and it is extremely possible that the construction process will require the canopies to be cut back and ground compaction around the roots, leading to the trees failing. The loss of the trees would significantly and unacceptably increase the impact of the development on the neighbouring property. If the development was found to be acceptable, the robinia tree could be protected via conditions related to levels and root protection.

Nature conservation – The site is a domestic garden and of limited nature conservation value. It would appear to be unsuitable habitat for protected species. The outbuildings to be removed do not lend themselves to be a suitable for bat roosts, whilst the conifer trees also have a low potential for providing suitable roosting opportunities. Overall, the development would not be considered to local plan policies or the NPPF in respect to nature conservation.

Environmentally Sustainable Development - A Code for Sustainable Homes Pre-Assessment Report has been provided demonstrating the scheme could achieve Code Level 4 in accordance with the adopted SPD and emerging policies within the revised draft Local Plan.

Covenant - The provision of a covenant on the land is not a material consideration and in itself would not prevent the LPA from granting approval if the scheme was acceptable in all matter.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the pre-submission 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 need to deliver housing in sustainable locations is noted, however in this instance there are material considerations that are to be given greater weight than the delivery of new housing. The scheme is considered to be in conflict with saved policies in that it would have a detrimental impact on the residential amenity of occupiers of the no.31a Freegrounds Road, it would result in a ditch being culverted and inadequate assessment of the potential for and impact of flood flooding both within the site and in the wider locality.