REF. NO. C/12/71414

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Construction of detached three storey dwelling with two storey detached pool house/annexe & associated landscaping (alternative design to planning permission C/26357/005/00) Plot 1, Land to the rear of Nightingale House Beach Lane Netley Abbey Southampton SO31 5DE

SITE VISIT DATE 06/11/2012 & various prior to this date

ARE PLANS ACCURATE? Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Planning permission was granted under application C/26357/005/00 for development which included the construction of three new dwellings. This approval has been implemented but the houses have not yet been built. This current application seeks approval for an alternative dwelling on plot 1. The proposal is for a three storey, very modern detached dwelling with associated two-storey detached pool house/annexe. Access is to be from Beach Lane, shared with dwellings on plots 2 & 3 (not yet built), with the access being to the rear of the property. The proposal includes a parking area, external and internal boundary walls and bin store. The dwelling is proposed to be largely glazed on the coastal side with a curved full height glazed feature. The remaining materials are to be white render, cedar cladding slate tiles & grey aluminium fenestration.
SITE AREA	00.10 ha
TOPOGRAPHY	Land slopes down towards the sea (south) with a drop in levels between the existing houses to the rear and the application site.
TREES	There are trees currently along the west and east boundaries which will not be affected by this proposal.
BOUNDARY TREATMENT	The western boundary comprises a chain link fence with some vegetation and this extends along the southern (coastal) boundary. The eastern boundary of the site is currently open as it is adjacent to another development site (application C/12/71416).
SITE CHARACTERISTICS	Site forms part of an unused, overgrown green area associated with Nightingale House. It borders the shingle beach to the south and the public road, Beach Lane to the west. It contains a Southern Water pumping station along with a few dilapidated garages/outbuildings. The area is not attractive in its current form and it is a bit of an eyesore. It is a direct contrast to the pretty and well-maintained green

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THE SITE AND ITS SURROUNDINGS

	space on the Castle Field Recreation Ground.
CHARACTER OF LOCALITY	The site falls within the Netley Abbey Conservation Area. The area itself is quite varied with a mix of building styles and ages. Many of the buildings are Victorian, with Victorian terraced cottages to the north of the site. New houses sit immediately behind the site, built in a traditional style with high quality materials. The area is one of the only places in the village where the sea is clearly visible with a large public open space area on the Castle Field Recreation Ground to the west.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
C/12/71416	Construction of detached three storey dwelling with boat house & associated landscaping (alternative design to planning permission C/26357/005/00)	Refused Nov 2012
C/26357/005/00	Conversion of existing dwelling to 4no. Flats with associated access off Victoria Road and car parking, construction of 3no. Detached three storey dwellings together with private boat houses and access off Beach Lane, and construction of retaining wall and boundary fences (Revised design and layout)	Permitted 2005 (implemented)

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
More than 90 letters objection have been received. Most are signed copies of a pre-written letter circulated around the village. The letters object on grounds of: • Over development • 'Futuristic' design not in keeping with the conservation area and will adversely change its character • Excessive scale • Excess glazing will result in light pollution • Proposal will result in an unacceptable increase in traffic on the local roads • There are already too many houses in Netley • Flood risk • Risk associated with Netley Anchorage Two letters of support have also been received.	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hound Parish Council	Objection - Out of context with the character and appearance of the locality (which is the centre of the conservation area) and is an inappropriate design in relation to the adjoining buildings (especially to

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	the south of the site). 169LB - The proposed application does not preserve or enhance the character or appearance of the conservation area and its setting, but detracts from it. It is not in harmony with the existing buildings and the materials are not in sympathy with the other contemporary buildings that make up this section of the conservation area.
Engineers	No objection. Proposals provide enough vehicle parking space to accord to standards via driveway parking alone, and garages can double-up as cycle and bin storage as required. As a newbuild, transport DC's are required in line with the HCC Transport Contributions Policy. This is calculated on a proposed less existing development basis, equating to a contribution of £5,457 (+ indexation). These funds will 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 schemes can be provided if required. 1) In principle no objection on highwya grounds to the houses, but the scheme does not relate to the turning head improvements or extension of footway outlined in years past. The plan seems to ignore the footway that was constructed as part of the adjcent developnment abutting the site, which should be continued to the turning head on this site . The proposed Beach Lane turning head itself should be modified so that it can be an adopted area to allow turning of refuse vehicles , with a margin around the outside. 2) On non highway issues as regards proximity to the beach, what is proposed for beachside boundary treatment and prevention of coastal frontage erosion. 3) The underground watercourse along boundary between plots is of unknown condition. This should be surveyed and its integrity established before any building works commence to avoid potential flood risk. From a land drainage aspect it, would be preferable for the watercourse to be at least partially deculverted and returned to an open to the air feature .
Environmental Health	Thank you for consulting this Service on the above application. I have reviewed the information provided / that held by this Service and I would like to make the following comments about the above application: • The original planning application (C/26357/005/00) was, among other things, conditioned for land contamination. Site Investigation work was undertaken and the Remediation Method Statement submitted confirmed / outlined the protection measures required for this development. However, information have been submitted with this new application. • The original planning application was also conditioned for piling. However, no details have been submitted with this application to confirm if piling is required / planned. • Therefore in the absence of information, I recommend that the following conditions are imposed for human health and amenity protection reasons: ***"No development shall take place until the applicant has carried out an adequate assessment of the risks, to or arising from, the***

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	proposed development, and a report of this assessment, including recommendations for protection of the development, has been received and approved in writing by the LPA. [British Standard BS10175:2011 'Investigation of potentially contaminated sites – Code of Practice' is a useful source of advice on site investigation] Any recommendations for protection of the development, the remediation scheme, must be supervised by a competent person and a completion certificate provided by that person to the LPA to certify that the works have been implemented in accordance with that scheme." The applicant should be advised that in advance of the commencement of development the condition requires that the assessment be completed and approved. Also that as a result of the assessment, amendments to the design of building structures may be required, further that adequate provision of time needs to be made so the assessment can be completed before works commence on site. The applicant should also be advised to contact Environmental Health to discuss the options open to them in order to comply with the above condition. Further information and advice about developing 'Brownfield Land' can be found on the Council's website. The relevant web-page is entitled 'Development of Brownfield Land'. ***NS23 - PILING*** ***Development shall not begin until a scheme of work detailing the extent and type of piling proposed has been submitted to and approved in writing by the local Planning Authority.*** ***NS05 - HOURS OF WORK*** ***No construction or demolition work must take place except between the hours of 08:00 to 18:00 Mondays to Fridays or 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.*** ***NS21 - DUST*** ***Developments shall not begin until a scheme of works to deal with dust from the site has been submitted to and approved in writing by the local Planning Authority. The agreed scheme shall then be implemented and retained to the satisfaction of the local Planning Authority.*** ***NS18 - NO BURNING*** ***The burning of materials obtained by site clearance or from any other source must not take place without the prior written consent of the local Planning Authority.***
Planning Policy & Design	1. This is a suitable design for this situation primarily addressing the sea views with a modern look, the apparent bulk being tempered by the articulation and separated mono-pitched roofs. 2. While the method of enclosure around the frontage of the site relieves the boredom, having full height i.e .2m. approx. fencing/walling will make the approach to all three houses feel very cramped and mean, in addition the area remaining outside the garages looks rather tight, particularly bearing in mind that this class of house is

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	likely to attract the larger style of car. If the section of wall was omitted from in front of the garages it would both make this are seem far less enclosed and give good scope for manouvering vehicles on the garage apron. 3. Looks as if the existing houses are going to have any chance of view completely obliterated. 4. The gap between the house and the annexe looks nasty and mean which will become a wind tunnel, I fear.
Design Review Panel	The Panel have fundamental concerns about the quality of the design of each of the buildings, the amount of development proposed and also the visual interaction between the two buildings as well as their relationships with the public realm. In relation to the proposed design for Plot 1, the Panel felt that the combination of forms and articulation of the building, combined with the scale and massing resulted in an overpowering, incoherent and inelegant composition. Moreover, the building seemed to be a collision of different architectural ideas, with the result that the building had no overarching design rationale. These problems were exacerbated by the extent of site coverage, and very 'hard' nature of the boundary treatment. Furthermore, the relationship with the public realm was virtually non-existent. As a result, a much more refined, cohesive and contextual approach was required both in terms of the design of the building itself and its relationship with the public realm. The Panel also considered that the site was overdeveloped, and were extremely concerned by the lack of clarity concerning the external finishing materials, as the materials need to be high quality, and ought to be an integral part of the design. Turning to Plot 2, the design for this building did at least benefit from being slightly more modest than that for Plot 1, however, ultimately it suffered from similar weaknesses. More specifically, the Panel felt that the design was incoherent and ungraceful, with excessive emphasis placed on the internal arrangement, to the detriment of the overall design. As with Plot 1, the Panel felt that a more refined, sensitive and contextual approach was required. The criticisms outlined above concerning the design of the two buildings is all the more pertinent when considering the visual relationship between the two, and their interface with the public realm. The Panel felt that the overall effect of the buildings when seen in conjunction would be overpowering, and intensify the weaknesses in the design of each. In addition, their close proximity and the extensive site coverage in the form of ancillary buildings meant that there was virtually no naturally occurring or open space around the buildings. Indeed, the overall site planning involved an excessive emphasis on 'hard' elements, which intensifies the uncompromising appearance of the buildings and the unsympathetic relationship with the public realm. In the light of the above, the Panel called for a much more refined, coherent and sensitive approach, both in respect of the design of

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	the individual buildings and the visual relationship between the two, but also in terms of their site planning and interaction with the public realm. This needs to involve a more contextual approach, involving a more considered understanding as to how the buildings will relate to important public viewpoints.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within Designated Conservation Area

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) 59.BE, 101T, 104.T, 147.OS, 191.IN & 169.LB
Pre submission Eastleigh Borough Local Plan 2011-2029 DM1, DM10 & DM37
Supplementary Planning Guidance : Quality Places
Supplementary Planning Document: Netley Abbey Conservation Area Appraisal and Management Proposals
Supplementary Planning Document: Planning Obligations
Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document Residential Parking Standards

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to the impact on the character and appearance of the conservation area, residential amenity, sustainability, highway impact and flood risk.

COMMENT ON CONSULTATION RESPONSES

Comments noted – see assessment below.

COMMENT ON REPRESENTATIONS RECEIVED

Comments noted. The concerns raised regarding the design and scale are discussed in the assessment section below. It should be noted, however, that there is a 'live' permission on this site for a three storey property and that the principle of a dwelling in this location is already established. The assessment therefore largely focuses on the design, scale, layout and impact of the amended dwelling.

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the provision of saved policies 101.T, 147.OS and 191.IN of the Eastleigh

Borough Local Plan Review 2001-2011, policy DM37 of the Pre-Sumission Eastleigh Borough Local Plan 2011-2029, the Council's 'Planning Obligations SPD and the requirements of Regulation 122 of the Community Infrastructure Levy, contributions are sought to offset the impact of the development on local infrastructure. The funds will be allocated to schemes either on the Transport Scheme Inventory (TSI) or the Community Investment Programme list (CIP) 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. Both the TSI and CIP lists have been identified as desirable and deliverable by officers and agreed by elected members. Contributions for a dwelling in this location were paid when a previous permission was implemented and the current level of contributions required has therefore been adjusted to reflect this For this development the following contributions are sought:

Community Infrastructure - **£826.00**
POS (Public Open Space) & play provision - **£453.80**
POS – local green space - **£148.93**
POS – Wildlife sites - **£51.23**
Sustainable Transport – **£2,406.87**
Total = £3,886.83 (+index linking to Sep 2012)

The applicant has verbally agreed that he is willing to secure contributions for this application but no direct payment, unilateral undertaking or Section 106 agreement has been received to date.

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."*

Planning approval was granted in 2005 for 'Conversion of existing dwelling to 4no. Flats with associated access off Victoria Road and car parking, construction of 3no. Detached three storey dwellings together with private boat houses and access off Beach Lane, and construction of retaining wall and boundary fences (Revised design and layout)'. This permission was implemented with ground works commencing on site but the three dwellings have never been built. This current application is for an amended dwelling to replace that previously approved for Plot 2. An application has been submitted at the same time for an amended dwelling for Plot 1. The applications have been submitted separately by individual applicants who are using the same agent. The principle of dwellings in this location is therefore established with the approved dwellings able to be built at any time. This assessment will therefore focus largely on the differences between the approved dwelling and the current amended design.

Pre-application discussions took place in relation to Plot 1 without prejudice to the determination of the application. Whilst in principle the modern design was supported, the applicants were advised that any proposal would need to compliment its surroundings.

The proposal is considered to conflict with relevant Development Plan policies.

Principle

The site falls within the urban edge where residential development is acceptable subject to other policies within the Local Plan. The site sits within the Netley Abbey Conservation Area, an area with

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

special historic and architectural interest. The most relevant policies in this case are 59.BE and 169.LB.

Policy 59.BE 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, cyclists 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.

Policy 169.LB aims to protect the Borough's designated conservation areas and states that permission will be granted for buildings provided they preserve or enhance the character and appearance of the conservation or its setting, they do not detract from the character of the area, and the mass, material and form are in scale and harmony with the existing and adjoining buildings and the area as a whole.

Also of relevance is the National Planning Policy Framework which states 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" (section 7, para 56). It also states that, "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area…" (section 7, para 64).

Character and appearance

Design is very subjective which is clearly shown in the contrasting comments from the Design Review Panel and the Council's Conservation Architect. The Design Review panel have fundamental concerns about the quality of the design of each of the buildings, the amount of development proposed and also the visual interaction between the two buildings as well as their relationships with the public realm. The Council's Conservation Architect on the other hand is generally in support of both proposals, subject to some minor amendments.

The NPPF states that, "decisions should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles" (section 7 para 60). The case officer is of the opinion that a very modern design, such as this that the applicant has submitted, could enhance the conservation area by providing a striking, high quality building of great architectural merit. Any design, however, needs to connect with its surroundings and this is particularly important in the context of a conservation area. The submitted application does not refer to the conservation area status with the design process clearly based on the applicant's personal tastes rather than having any basis in the contextual surroundings. It appears to have been designed from the inside-out and as a consequence does appear as quite inelegant and excessive, with no relationship to the wider locality. This is exacerbated by the scale and close proximity of the pool house.

The conservation area is linear in form and has developed two distinctive forms along Victoria Road. On the coastal side, where the application site is located there are large detached properties set in generous plots. These are generally red brick with slate roofs. On the land side development is predominantly Victorian terraced properties. The location of the application site is significant as it is one of the only places in the conservation area where there is a clear visual connection between the village and Southampton Water.

The design does not take any reference from the key characteristics of the conservation area and does not take the opportunity to enhance the special interest and distinctiveness of the immediate surroundings or wider locality.

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The overall scale has largely been agreed in principle through the previous permission, although this was for a more modest and traditional design. Whilst the footprint has been enlarged it is not a significant increase in the context of the size of the plot. The pool house, however, is a new addition and replaces the previously approved boat house. The boat house was a small, single storey structure, and very much a subservient outbuilding. The proposed pool house is now significantly larger in scale. It comprises a much larger footprint and provides an annexe at first floor level. This building, due to its scale, design and siting, is considered to detract from any positive visual impact the main dwelling may have by adding bulk and mass. Due to its proximity to the dwelling they almost read as one large, unbalanced structure. Its position on the western boundary will also result in a very overbearing and over prominent structure clearly visible from the public realm.

The proposed boundary treatments and access with the high level walls and gates will provide a very harsh visual element. There is little, or no room for landscaping which would help to soften the impact. Beach Lane has an almost rural feel and the design of the access, whilst very secure, would directly contrast with this attractive green lane, leading down to the shore line. As already stated, the siting and scale of the pool house will add to this harshness and will create a very over prominent and overbearing feature.

The Netley Abbey Conservation Area SPD highlights the views across the Castle Field Recreation Ground is being the main and most impressive in the conservation area. As this development will become a very visible feature in these views it is essential the design takes full and proper account of its context.

Residential amenity

At the time of the previous approval, the houses immediately to the north of the proposed dwelling, known as Halyards and Seacrest, were not built. They were granted permission and constructed with full knowledge of the existing planning approval.

Whilst the new proposal does result in a bulkier structure, the roof design and distance from the existing dwellings will result in there being no unacceptable impact in terms of visual overbearing impact. The dwelling has been designed to retain some of the views afforded to the properties to the rear although this is not material in determining the application. The distance between the rear windows of the existing dwellings and the application property is around 22m which accords with the Council's amenity guidance. The windows facing the new dwellings serve bedrooms with the previous approved dwelling having lounge and bedroom windows on this elevation.

Land contamination - As per the Environmental Health officer's comments, the previous application required a site investigation and remediation measures to be designed and undertaken. No information has been submitted with this current application and in the event of an approval, a condition would have been imposed to request the necessary details. A condition would also be imposed to request details of piling.

Sustainability

In accordance with the Council's adopted Supplementary Planning Document: Environmentally Sustainable Development, there are essential requirements (ESD1-7) that new residential dwellings need to achieve. Applications should be supported by a Sustainability Statement that details how each of the essential requirements will be achieved. A Sustainability Statement has been submitted with this application and it appears to address, in principle, all the requirements. If the recommendation was to approve the application, any further details required could be secured by planning conditions. On this basis there is no objection on sustainability grounds.

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Highway impact

The Council's Engineers have raised no formal objection to the scheme. It can accommodate the required level of parking in accordance with the Council's adopted standards. They do comment that a turning head that could be adopted is incorporated into the access and amended plans have been submitted to address this.

Flood risk

Although adjacent to the shoreline, the site falls only within designated Flood Zone 1. No consultation is required with the Environment Agency and no standing advice is given. The applicant has, however, submitted information to demonstrate how the development will minimise any impact of flooding including raising floor levels.

There are sewers and an underground culvert on the site which would need to be dealt with. This issue could be dealt with by requesting details to be agreed in writing via condition.

No objection on flood risk grounds.

Netley Anchorage

The site falls within the consultation zone for Netley Anchorage, an ammunitions storage site. Any proposal which is predominantly glazed needs to be sent to the Ministry of Defence for consultation. The MoD have been consulted on this proposal but no response has been received. Whilst it would not be reasonable to refuse on safety grounds, the applicant should be aware that this issue may need to be addressed.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The recommendation is to refuse for the reasons stated above.