REF. NO. C/16/78271

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Construction of a three bed detached dwelling to plot 3 with access, garage, amenity space and landscaping. Land at Beach Lane, Netley Abbey, Southampton, SO31 5DF

SITE VISIT DATE – 25/05/2016

ARE PLANS ACCURATE? – A little basic but sufficient.

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? – Yes and site notice displayed.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks approval for the construction of a two storey detached three bedroom dwelling of a modern design set back from the beach, with attached/integral garage, car parking, landscaping and private garden. This would be the third plot in a development of similarly styled houses, with Plots 1 & 2 fronting onto the beach.
SITE AREA	Approximately 790 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 13 dwellings per hectare.
TOPOGRAPHY	Land slopes down towards Southampton Water to the south-west with a drop of approximately four metres in level between the existing houses which front Victoria Road to the rear (north-east) and the application site's boundary with Plot 2 which fronts onto the beach.
TREES	There are no trees of note within the application site but there is a line of sizable Oaks along the south-eastern boundary set up on the raised boundary bank and whose canopies overhang the site boundary. These trees are important natural features and are protected by virtue of being within the conservation area.
BOUNDARY TREATMENT	Construction work on Plot 2 is continuing and has not yet been started on Plot 1. This means that at present there is a temporary timber hoarding separating the sites to the south-west. There is no formal boundary at present with Nightingale House to the north-east. To the south-east the boundary is marked by a low timber fence and planting which sits on top of a raised bank and to the north-west is a substantial boundary wall and the flank walls to the neighbouring properties of Mariners and Seacrest.
SITE CHARACTERISTICS	Site forms part of the original curtilage and unused land associated with Nightingale House. It borders the shingle beach to the south and the public road, Beach Lane, to the west. The site has now been cleared and construction work is on-going to Plot 2 but has not yet started on Plot 1, both of which front the Beach. Plot 3 is set behind these and

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THE SITE AND ITS SURROUNDINGS

	surrounded on all sides by existing development, most of which sits at a higher ground level.
CHARACTER OF LOCALITY	The site falls within the Netley Abbey Conservation Area. The wider conservation area is quite varied with a mix of building styles and ages. Many of the buildings are Victorian, with terraced cottages to the north of Victoria Road and large, detached villas on the southern side. Three storey new houses sit immediately adjacent to the site to the north, built in a traditional style with high quality materials. This area is one of the only places in the village where the sea is clearly visible with a large public open space on Castle Field Recreation Ground to the north-west of the application site.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
C/14/75487	Erection of detached two storey five bed dwelling including swimming pool, associated parking and landscaping.	Approved Apr 2015
C/13/73260 (Plot 2)	Construction of 1no. 5 bed dwelling with attached double garage & associated car parking, landscaping & amenity area.	Approved Jan 2014
C/12/71414	Construction of detached three storey dwelling with two storey detached pool house/annexe and 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).	Approved Jan 2005 (implemented but not completed)

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Warren – York House, Victoria Road	Asks that a suitable boundary treatment be installed and that consideration of external lighting is given, i.e. position and timing. Also asks that the material finish to the south-eastern boundary be considered and position of windows to limit overlooking and loss of outlook. Restrictions on working hours, etc. during construction requested.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Regeneration & Planning Policy	"The character of this application is in keeping with that of No 1 of this three plot development that appears to be struggling to achieve

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
(Conservation Officer)	completion so I have no problem."
Head of Transportation & Engineering	"No objection in principle - subject to revised plans. In regard to access to the site, it is presumed that this is taken out through the same access serving Plots 1 and 2, from the south western corner of the site out onto Beach Road. However this is not clearly shown on plans and as such plans should be revised accordingly. Indeed the full extent of the driveway itself should also be shown so that car parking can be fully assessed, and indeed have condition E04 applied to it. Additionally, a CAD Autotrack should be provided showing how and where vehicles will turn on the driveway to prevent them from having to undertake a long reverse to and from the driveway / parking area. It looks tight on plans (Garage + 2 driveway spaces are required). Once revised plans have received, then the application can be re-assessed accordingly."
Head of Environmental Health	No objection provided conditions relating to land contamination and amenity protection during construction are included as part of any planning approval.
Tree Services Manager	No objection provided conditions are included requiring works to be undertaken in accordance with the submitted tree protection details and that a site meeting is arranged with the tree officer prior to works commencing on site.
Hound Parish Council	Do not object.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within Designated Conservation 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 & 169.LB

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 S1, S11, DM1, DM2, DM9, DM10, DM24, DM25 & DM29

Supplementary Planning Document: Quality Places
Supplementary Planning Document: Netley Abbey Conservation Area Appraisal and Management Proposals

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

Supplementary Planning Document: Residential Parking Standards
Supplementary Planning Document: Environmentally Sustainable Development
Supplementary Planning Document: Biodiversity

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."

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 60 states that "policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative…" It goes on to state that "It is, however, proper to seek to promote or reinforce local distinctiveness."

While the appearance of buildings is important, paragraph 61 of the NPPF states that "securing high quality inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

Paragraph 118 states that "local planning authorities should aim to conserve and enhance biodiversity".

It goes on to state in paragraph 137 that, "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to: planning policy and the principle of development including the site's planning history; its layout & design and impact upon the character of Conservation Area; residential amenity; the development's impact on nature conservation given its close proximity to the shoreline; issues of parking and highway impact; and land contamination.

COMMENT ON CONSULTATION RESPONSES

All comments are noted.

COMMENT ON REPRESENTATIONS RECEIVED

A response to the majority of issues raised is given below. With regards to boundary treatment, this can be conditioned for details to be submitted and agreed at a later date, as can conditions restricting working hours, etc. during the course of building works.

PLANNING OBLIGATION/CONSIDERATIONS

The Government's recent Court of Appeal win has again re-established changes to the National Planning Practice Guidance (NPPG) which increases the threshold for when tariff based planning obligations can be required by new development. This means that developments of ten units or less (and which have a maximum combined floor space of no more than 1000 square metres) will be exempt from the need to provide tariff based planning obligations or affordable housing. The proposed development in this instance falls within this threshold and as such no planning obligations can be requested.

With regards to the Solent Disturbance Mitigation Project, which requires any new residential units to contribute towards mitigation measures which would result from increased recreational pressures cause by these new residential developments, these were not considered necessary for Plots 1 & 2 as contributions has already been secured as part of the original 2005 approval. Given that the permission has been implemented but not completed and that the contributions would have required monies towards nature conservation, contributions for the more recent application were not necessary. In order to be consistent, this view is also taken with regards to the proposal for Plot 3.

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."*

The site also lies within a Conservation Area and Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

> *"In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".*

In this case policy issues for consideration include:

Policy – The site falls within the urban edge where residential development is acceptable subject to other policies within the Local Plan, as well as being within the Netley Abbey Conservation Area, an area with special historic and architectural interest.

This is an urban site, where the NPPF encourages housing densities to make efficient and sustainable use of sites. The NPPF requires local planning authorities to set out their own approach to housing density to reflect local circumstances (para 47). In order to respect the character and development patterns in the locality, a lower density is considered more appropriate for this particular site. The current proposal gives a density of thirteen dwellings per hectare, taking into account the useable land within the site.

The site is also close to the Solent Maritime Special Area of Conservation (SAC); the Solent and Southampton Water Special Protection Area (SPA) and Ramsar (Solent European Sites). Residential

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

development is acceptable in this location provided in will not result in any adverse impact on this protected area. This is discussed in more detail below.

The most relevant saved local plan policies are considered to be: 25.NC, 59.BE, & 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 25.NC relates to nature conservation issues and states that development which will adversely affect a habitat or feature of importance for wild fauna and flora will not be permitted, unless it can be demonstrated that the benefits of the development outweigh the adverse impacts, the adverse impacts are unavoidable and appropriate measures are taken which would mitigate or compensate for any adverse impact.

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.

Principle & Site History – Planning approval was granted for Nightingale House 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 and developer contributions paid, but the three dwellings have never been built. Building Control Inspectors and the Council's Legal Officers have confirmed that the previous permission was implemented.

This current application is for an amended dwelling to replace that previously approved for Plot 3 and would complete the overall approvals for Plots 1 & 2. The approvals for the neighbouring plot and the original extant permission, which could still be constructed at any point, is considered to have set the precedent for a dwelling on this plot and is a significant material consideration is assessing the impact of this current proposal.

Layout & Design – The design is of a modern contemporary design, having the appearance of a number of distinct planes, boxes and voids arranged to give interest to the elevations without being overly complex. The design follows the ethos of the approved schemes for Plots 1 & 2, to which the Winchester and Eastleigh Design Review Panel commented on at the pre-application stage, stating that the design was a refreshing improvement on the previously refused scheme. The lines and overall design is simple and crisp in appearance. The proposal also includes a variety of materials to help soften the appearance with cedar cladding proposed to the rear half. While different to both Plots 1 and 2, that proposed will complement is neighbours and has the support of the Borough's Conservation Officer.

Character of Conservation Area – 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). It also states that decisions should aim to ensure that developments respond to local character and history while not preventing or discouraging appropriate innovation. Saved Policy 169.LB of the adopted Local Plan also requires that development 'preserves or enhances' the conservation area. The principle of a modern building in this location is therefore not unacceptable, particularly taking

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

into account the wide variety of styles and ages of properties and what has been approved for the neighbouring plots, subject to it being of a design and scale that is appropriate for the immediate surroundings.

The conservation area itself is linear 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 traditional in style but with some variety in materials. On the land side development is predominantly Victorian terraced properties. The location of the application site means that it is not easily viewed from any public vantage points within the conservation area.

The proposed dwelling follows a similar pattern of development to the Victorian villas already present on this side of Victoria Road, albeit a modern version of the beach side house. It also uses materials which are already present within the area, although again in a more contemporary way.

The proposal is considered to accord with the relevant saved policies in that it comprises a good quality design that takes into account the context of its immediate surroundings as well as the wider conservation area. The aims of the NPPF are also complied with in that the proposal is considered to make a positive contribution to local character and distinctiveness of the heritage asset, raising the standard of design more generally in the area in addition to making efficient and sustainable use of the land.

Residential Amenity – In terms of residential amenity there are no particular concerns. No windows within the proposed dwelling will result in adverse overlooking of any neighbouring property either due to the direction they face or distance from neighbouring windows. There is a bedroom and bathroom window at first floor level within the south-eastern elevation but these would only face the bottom of the garden to York House and given the ground level changes would be at the resulting fence height, thereby not causing any unacceptable overlooking or loss of privacy.

Outlook has also been highlighted as a concern, specifically with regards to the rendered elevation on the south-eastern elevation. While the concerns that this could appear imposing and overpowering are noted, in reality this elevation is sufficiently far enough away from the boundary with York House and would be viewed at such an oblique angle that its size would not really be perceptible when viewed from York House itself. It would therefore be difficult to argue that it would be visually imposing or impact on outlook to such a degree that the elevational finish should be amended or the application refused.

With regards to loss of light, again there will be no adverse impact due to the proximity and orientation of the dwelling in relation to its neighbours. Overall the proposal meets the necessary requirements of the 'Quality Places' SPD and conforms to the amenity requirements of saved Policy 59.BE of the adopted Local Plan and DM1 of the Submitted Local Plan.

Nature Conservation – The site is close to the Solent Maritime SAC (Special Area of Conservation) and the Solent and Southampton Water SPA (Special Protection Area), both European/International nature conservation sites, as well as a SSSI (Site of Special Scientific Interest), a national designation. As part of its duty under the Conservation of Habitats & Species Regulations 2010 (as amended) Eastleigh Borough Council has produced a Habitats Regulations Assessment Screening. The assessment in this report focuses on the likely significant effects (LSE) of the development on the designated interest features of the Solent Maritime SAC and Solent and Southampton Water SPA and Ramsar, collectively known at the Solent European Sites, within the context of their conservation objectives.

It is the Council's opinion that, the proposed development will not lead to adverse effects on the integrity of the European site, either alone or in combination with other plans or projects and that the proposed scheme can be screened out as being unlikely to lead to any significant adverse effects on the Solent European Sites and will not require appropriate assessment under the Habitats

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Regulations. This is subject to conditions being imposed to mitigate the impact of the development which are taken directly from the planning approvals for Plots 1 & 2. Natural England raised no objection to the Plot 2 proposals subject to certain conditions being applied. Given that application site is behind Plots 1 & 2, it is considered that if the same conditions and restrictions are applied, this will be more than sufficient to protect the designated nature conservation sites.

An ecological survey was undertaken prior to work commencing on Plot 2 which showed that the application site/s had limited ecological value, although a number of recommendations were made with regards to providing some suitable habitat for reptiles which may have been present on the site.

Parking & Highway – The Council's Engineers have raised no formal objection to the scheme as the proposed driveway and garage can easily accommodate the minimum of three off-road parking spaces required by the Council's 'Residential Parking Standards' SPD. A slight concern was raised with regards to providing sufficient turning space on site. Following these initial comments amended plans have now been secured which set the garage back further, thereby allowing sufficient room to be able to turn a vehicle around at the end of the driveway.

A condition is also recommended to ensure parking is provided prior to the dwelling being occupied. The application is therefore considered to comply with this element of saved Policy 59.BE of the current Local Plan and Policy DM24 of the Submitted Local Plan.

Land Contamination – Previous site investigations have shown that there is the potential for land contamination and that protection measures should be included within the construction of the dwelling. It is recommended that details of these measures be submitted to and agreed in writing by the LPA prior to any works commencing on site.

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made to 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 formally withdrawn, the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regard 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 proposal will finish off the works which are already underway for Plot 2 and will finalise the improvement to the water front by removing an abandoned and overgrown site. Many of the main issues have already been addressed by Plots 1 & 2 and the restrictions and conditions applied to those approvals can be replicated where necessary. As such the proposals for Plot 3 are considered to be acceptable and to accord with the relevant Local Plan policies and SPD's. The application is therefore recommended for approval subject to conditions.