REF. NO. «AltRef»

MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/15/77451

DESCRIPTION	Alterations and extensions to existing roof to create 4no. flats (including 2nd floor balconies) within the roof space following conversion of the existing office space (B1a) on the ground and first floors to residential dwellings (C3) with rear extension, and associated parking, bike and bin storage (amended description)
ADDRESS	38-40 Leigh Road Eastleigh SO50 9DT

SITE VISIT DATE	01 December 2015
ARE PLANS ACCURATE?	It is considered that sufficiently detailed information has been provided to allow for the assessment of the development proposed. Amended plans were received on 22/12/2015, 13/01/2016, and 19/01/2016.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes. A site notice was also displayed at the site advertising the proposals in the public interest.

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks approval for the enlargement and extension of the building's roof space in order to provide for an additional 4no. flats at second floor level in addition to the 8no. at ground and first floor levels which were the subject of the prior notification application J/15/77087. The proposals also include an extension at the rear of the building which will enlarge flats no. 7 and 8 at first floor level.
SITE AREA	0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	120 dwellings per hectare.
TOPOGRAPHY	The frontage of the site slopes up towards the principal elevation of the property which results in the building being set in a slightly elevated position relative to Leigh Road. The remainder of the site is relatively flat and level.
TREES	There will be no trees affected by the proposed development.
BOUNDARY TREATMENT	The site has an open frontage onto Leigh Road with the boundaries of the rear section of the plot being marked by timber fencing.
SITE CHARACTERISTICS	The application property is a brick-built two-storey building set to the northern side of Leigh Road. The building was originally formed of a pair of semi-detached residential dwellings. It has since been extended at the rear and put to a range of uses including a hostel as well as its present use for office purposes. Whilst the extensive areas of hardstanding and external signage associated with the latter have to a degree undermined the appearance of the building, it retains the majority of its original Edwardian character and period architectural features which contribute to it being a distinctive and attractive feature within the street scene. There is a car park which serves the premises to the rear

THE SITE AND ITS SURROUNDINGS

	which is accessed from Toynbee Road to the east. As noted above, a prior notification application was submitted last year to convert the ground and first floors of the building to 8no. flats (Application Ref. J/15/77087).
CHARACTER OF LOCALITY	The site falls within a mixed use area which incorporates a range of commercial and residential uses on what is the main approach into Eastleigh Town Centre. The buildings in this section of Leigh Road are predominantly two-storeys in height with many dating from a similar period to the application building and having similar double-height bay projections.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/05629/000/00	The change of use from private residence	PERMIT – 05/09/1958
Z/05629/002	Erection of staff annexe	OUTLINE PERMISSION – 06/09/1971
Z/05629/003	Extension	PERMIT – 05/11/1971
Z/05629/004/00	Use of premises as a Hostel for Alcoholics	PERMIT – 19/06/1974
Z/05629/005/00	Single storey flat roofed extension	PERMIT – 18/02/1976
F/05/53465	Change of use from Hostel (C2) to Office (B1) and construction of single storey rear extension	PERMIT – 29/04/2005
J/15/77087	Prior Notification: Change of use from B1a (office) to 8no. C3 residential flats	PRIOR APPROVAL NOT REQUIRED – 15/10/2015

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
36 Leigh Road, Eastleigh	The proprietor of No. 36 Leigh Road made the following comments in relation to the proposals: *I am a bit concerned about the back access to the property during the development period as it is not a wide access point and vehicles park in this all the time. As our business premises are next to the proposed site, can we get some assurances that access to our car park will not be interrupted during the conversion?*

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Environment Agency	The Environment Agency has no objection to the proposed development as submitted.
Head of Environmental Health	No comments received.
Jubilee Residents	No comments received.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Association	
Head of Transportation and Engineering	Transport Policy Officer: No objection in principle subject to: detailed plans of the cycle store; confirmation of transfer of land; and onwards relocation of bin stores. PARKING: In line with the EBC parking standards, for resident specific parking needs the 12 spaces proposed are sufficient (1 space per 1-bed unit(x11) plus 1.5 spaces per 2-bed unit (x1)) so long as parking remains unallocated, and this is covered by Condition to prevent future parking sell-off. However, there is a lack of the required 20% uplift to accommodate visitor needs - 3 spaces rounded up. This is a concern in regard to the potential for obstructive parking to take place on the rear access road, as visitors look for somewhere to park despite the proximity to the town centre and its associated car parks. If the developer were willing to transfer ownership of the rear access road to highway however (as outlined below in Eric's comments), Traffic Regulation Orders could be implemented to resolve this issue accordingly. As such concerns would be removed. This would however have implications on the bin store areas, and as such revised plans should show an alternative location accordingly. In addition, whilst a cycle store has been outlined on plans, internal detail of layout and door openings need clarifying through additional plans. DEVELOPER CONTRIBUTIONS: Onwards, in regard to transport DC's, the former office use would have generated an anticipated 85.64 multimodal trips for its B1 use (458sqm as outlined in F/05/53465), whereas the residential elements as a whole (11 x 1-bed / 1 x 2-bed) would be anticipated to generate 47.7 multimodal trips. As such, no highway DC's would be requested accordingly. DC Engineer: There are no details of bin storage/cycle parking. The offices at 38/40 Leigh Road were constructed some years ago and the developers built a section of the Leigh Road rear access road proposed at rear of 26-56 Leigh Road in accordance with the old Eastleigh Area Action Plan office development brief policy. However the rear access road constructed remains private and has not been dedicated as a public highway. It would be desirable for the rear access road to be taken over by the highway authority and not left as an unadopted area. The intention is that there should be a continuous rear access along the back of the Leigh Road properties from Brookwood

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	Avenue to Toynbee Road which can be used for rear access but also function as an alternative foot/cycle path and "Safe routes to Schools" corridor. What are the developments intentions as regards future management/maintenance of the unadopted rear access road.
Direct Services	We confirm that we have no comments to make at this stage.
Head of Housing Services	I understand that 8 no dwellings have already been approved under permitted development rights and the advice you have received from our Legal team is that these 8 dwellings do not have to be considered as part of this application and that any affordable housing requirement is therefore to be based on a total number of 4 dwellings only. In light of this legal advice, I can confirm that there will be no affordable housing requirement on this development.
Head of Planning Policy and Design	No comments received.
Southern Water Services	Advised that Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant / developer. An informative to this effect was requested to be added to the decision notice.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Mixed Use Area Within Eastleigh Town Renaissance Quarter

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

Eastleigh Borough Local Plan Review (2001-2011), 28.ES (Waste Collection/Recycling), 53.BE and 54.BE (Eastleigh Town Renaissance Quarter), 59.BE (Promoting good design), 100.T (Minimise Travelling), 104.T. (Parking), 147.OS (Public Open Space), 191.IN (Social Infrastructure).
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 DM1, DM23, DM24, DM29, DM32, DM37, E7.
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Planning Obligations
Supplementary Planning Document: Residential Parking Standards

CHARACTER APPRAISAL AREA

n/a

SPECIAL POLICY AREA

The site does not fall within a designated special policy area.

NATIONAL PLANNING POLICY GUIDANCE

NATIONAL PLANNING POLICY GUIDANCE

In respect of this application, the following sections or paragraphs of the NPPF are considered to be of particular relevance:

- Paragraph 6 states that "the purpose of the planning system is to contribute to the achievement of sustainable development".
- Paragraph 14 sets out that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking". The Framework sets out that for decision-taking this means "approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted."
- Paragraph 17 details the 12 core planning principles that should underpin decision-taking, these include that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- Paragraph 32 states that decisions should take account of whether "safe and suitable access to the site can be achieved for all people" and Paragraph 35 states that developments should be located and designed where practical to "give priority to pedestrian and cycle movements, and have access to high quality public transport facilities."
- Paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development".
- Paragraph 56 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".

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to the principle of the development proposed, layout and design, residential amenity, highway matters, and the impact of the proposals upon the street scene and character of the area.

COMMENT ON CONSULTATION RESPONSES

The comments received are noted with the matters raised being considered and responded to where appropriate in the below assessment of the proposals.

COMMENT ON REPRESENTATIONS RECEIVED

The comments of the proprietors of No. 36 Leigh Road are noted. The matter of the potential obstruction of the shared access to the site, during construction works or otherwise, would however be a private matter between respective land/property owners.

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the provisions of the following:

- National Planning Policy Guidance
- Community Infrastructure Levy Regulations 2010 (SI 2010/948) as amended by the

Community Infrastructure Levy (Amendment) Regulations 2011 (2011/987)

- Saved policies 147.OS and 191.IN of the Eastleigh Borough Local Plan Review 2001-2011.
- Emerging policies DM32 and DM37 of the Submitted Eastleigh Borough Local Plan Review 2011-2029.
- The Council's adopted Supplementary Planning Document – Planning Obligations

Planning obligations are sought to offset the impact of the development on local infrastructure. For this development obligations in the form of financial contributions are sought towards Community Infrastructure, Public Open Space and Play Provision, Public Open Space – Local Green Space, and Public Open Space – Wildlife Sites. The applicant has been advised of the requirement for these contributions, however, no provision has been made for them and as the application is being recommended for refusal for other reasons, the matter has not been pursued further by the Local Planning Authority. The application is thereby deemed to conflict with the aforementioned national and local planning policy requirements, as well as those of the relevant associated supplementary planning guidance. This issue will form an additional reason for the refusal of the planning application.

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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."

Development Plan Policies:

Eastleigh Borough Local Plan Review (2001-2011):

Saved Policy 28.ES requires that provision should be made in the design and layout of housing developments for the storage and collection of domestic waste and recyclable materials and that these must be sited in locations that would not give rise to disturbance to the occupiers of residential property.

Saved Policy 53.BE states that the Council will permit appropriate 'people-intensive' redevelopment within the Eastleigh Town Centre Renaissance Quarter, identified on the Proposals Map. Within this area the Council will refuse permission for proposals which do not make optimum use of the land. Buildings should be predominantly 3 storey and residential densities at least 50 dwellings per hectare. The quarter should accommodate a mix of residential, office and community uses. Further retail development will not be permitted within the area.

Saved Policy 54.BE states that within the Eastleigh Town Renaissance Quarter, where appropriate and necessary, the Council will negotiate with development to make financial contributions to public transport improvements in the locality, to the management of on-street parking, to public open space provision or improvements off-site or to other 'public realm', and to improvements to social and community facilities.

Saved 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 both in relation to themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention. It also

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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.

Saved Policy 100.T states *inter alia* that development which accords with other relevant policies of this Plan will be permitted provided it is, or could be well served by public transport, cycling and walking; and it includes measures that minimizes its impact on the existing transport network.

Saved Policy 104.T requires that adequate off-highway parking is provided to serve new development.

Saved Policies 147.OS and 191.IN respectively state that where development involves a net increase in residential units, the Council will seek agreements for a contribution towards open space provision in the locality as well as for the provision of infrastructure, services, facilities and amenities directly made necessary by the development.

MATERIAL CONSIDERATIONS

Principle:

The application site lies within the urban edge where the basic principle of development is considered to be acceptable, with any formal planning approval being based upon the exact nature, design and impact of that proposed being considered appropriate and in accordance with the relevant Local Plan policies and supplementary planning documents and guidance.

Layout, design and impact upon the area character:

Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) requires that development takes full and proper account of the context of the site including the character and appearance of the locality and that it is appropriate in mass, scale, materials, layout, design and siting. These requirements are reiterated within the NPPF which, within Section 7, emphasizes the importance of good design as a key aspect of sustainable development, that this is indivisible from good planning, and that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. It is considered that the proposals conflict with these requirements.

The application building sits at a prominent location within Leigh Road, with it being particularly visually apparent owing to its siting at the end of Nutbeem Road, from which longer range views are afforded towards it. The building is at present an attractive two-storey Edwardian property which retains much of its original character and distinctive architectural features. Whilst the areas of hardstanding that surround it and the commercial signage that have been added to its frontage do to a minor degree undermine this character, it is still very much considered that the building makes a positive contribution to the street scene on what is a particularly important approach into Eastleigh Town Centre. The property is already a relatively sizable structure with its eaves sitting higher than the immediate neighbouring buildings and the rearmost section of its roof being greater in height than the adjacent properties. Despite this, however, and owing to its hipped-roof form and the recessed nature of its taller section, the building very much still reads as being two-storey within the street scene, with this being the overriding characteristic of the development within this section of Leigh Road.

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It is accepted that the proposed residential use of the ground and first floor of the premises in the form of 8no. flats has been established through the prior notification application determined by the LPA in October 2015. Whilst there is no fundamental objection to some form of a modest extension to the rear of the building to allow for the enlargement of flats 7 and 8 at first floor level as is proposed, the alterations to and extension of the roof of the premises and the associated introduction of a further 4no. units is considered to represent both an overdevelopment of the site and an over intensification of the use.

In order to accommodate these further four units, the scheme proposes the addition of what is a significant amount of bulk and massing to the roof of the building and the increasing of the height of its foremost section. The changes would also result in significant alterations to the present form of the roof through the creation of what is tantamount to a mansard roof with recessed side dormers and a proliferation of sizable front velux windows. It is considered that these alterations are visually unsympathetic to and overdominant of the present building and serve to both notably undermine its existing attractive form and appearance and adversely increase both its physical presence and visual prominence within the Road. This being to a degree that is unacceptable and that would have a detrimental resulting impact upon the character of the street scene, with eminent views being afforded towards the building both from Nutbeem Road as mentioned above, as well as when moving in both directions along Leigh Road.

It is acknowledged that the site lies within the Eastleigh Town Renaissance Quarter as designated within the Council's adopted Local Plan and where Saved Policy 53.BE seeks to promote people intensive development and buildings that are predominantly 3 storeys in height. It is not, however, deemed that this policy seeks to encourage development of this nature in any form or in instances where it would result in either the overdevelopment of a site or development that would undermine both the character of an existing building or that of the surrounding area, as in the case of the particular proposal put forward.

<u>Residential amenity:</u>

In this regard there are two main considerations, these being the matter of the impact of the proposed development upon the amenity of the occupiers of any existing residential properties which neighbour the site, and the ensuring of an acceptable level of amenity for the future occupiers of the proposed dwellings. The Council has produced a Supplementary Planning Document entitled 'Quality Places' which sets out both guidance as well as appropriate standards for amenity in relation to residential development. This supports the requirements of Saved Policy 59.BE (vii.) which seeks to ensure the provision of an acceptable level of amenity for future occupiers of land and property and that development does not unacceptably impact upon the amenity of neighbouring uses, notably by way of overlooking, overbearing impact or through a loss of light or outlook.

In terms of the impact of the proposals upon neighbouring uses, there are no significant issues, with the buildings to either side of the premises being commercial in nature and there being a decent degree of separation afforded to the properties to both the rear of the site and the opposing side of Leigh Road. There are, however, concerns in relation to the level of amenity that would be afforded to the future occupiers of the proposed units which is deemed to be a further indication of the overdevelopment of the site and a somewhat cramped resulting arrangement. These concerns relate to the internal floor space to be provided within the units, the levels of outlook afforded from habitable rooms, and a lack of provision of external amenity space.

The units proposed have internal floor areas ranging from 34.85sqm to 39.12sqm. The Council's

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Quality Places SPD (page 52) sets out as a key design principle that new homes must have enough internal space for residents to use comfortably, and that flats should provide for a minimum of 25sqm of amenity space per dwelling. In respect of the former of these requirements, Policy DM29 of the Eastleigh Borough Local Plan 2011-2029 sets out minimum internal floor areas for new residential units. For a one bedroom flat as in the case of those proposed, the minimum floor area required is 51sqm which the proposed development falls notably below. Whilst it is acknowledged that this policy can be afforded only very limited weight owing to the status of the plan within which it is contained, it is considered that it gives a good indication of what is an acceptable level of amenity in this regard. The applicant has in subsequent correspondence with the LPA made reference to the Housing Quality Indicators and a 30-35sqm internal requirement contained therewithin. Whilst this is noted, it is understood that this requirement relates to units of 1 bedspace (i.e. single occupancy) as opposed to one-bedroom units which could be dual occupancy (i.e. 2 bedspace – the HQI requirement for which is itself 45-50sqm). As it is not deemed that the units could not be limited to single occupancy in planning terms, it is considered that such a standard would not be applicable.

It is considered that the undersized units when viewed in combination with the lack of amenity space to be provided for the occupiers of the development as required by the Council's Quality Places SPD, with only modest external balconies being provided for two of the units, as well as what is considered to be the somewhat compromised level of outlook available from a number of the windows which overlook a mixture of the rear car park and services area, Leigh Road, and the roofs of neighbouring buildings, all highlight what is, as mentioned above, a cramped internal arrangement and inappropriate level of amenity for the future occupiers of the development. In this regard the application is contrary to Saved Policy 59.BE (vii.) of the adopted Local Plan and Paragraph 17 of the National Planning Policy Framework which requires that planning should "always seek to secure a good standard of amenity for all existing and future occupants of land and buildings".

Bin and cycle storage:

Saved Policy 28.ES requires that provision should be made in the design and layout of housing developments for the storage and collection of domestic waste and recyclable materials and that these must be sited in locations that would not give rise to disturbance to the occupiers of residential property. In addition, Saved Policy 59.BE (vi.) states that provision should be made for the secure storage of bicycles. The submitted layout drawing shows provision this provision to be made to the rear of the site in both cases which is deemed to be acceptable in principle. The specific details of both the bin and cycle stores could have been covered by a pre-commencement condition had the application been recommended for approval.

Highway matters:

Saved Policies 59.BE (v.) and 104.T of the Eastleigh Borough Local Plan Review 2001-2011 respectively require that development has a satisfactory means of access and layout for vehicles and provides adequate on-site parking in accordance with the requirements of the Council's adopted standards, these being set out in the Residential Parking Standards Supplementary Planning Document (January 2009)

The development proposes the provision of a total of 12 car parking spaces, which, in accordance with the requirements of the aforementioned SPD are sufficient for resident specific parking providing that these remain unallocated, a matter that could be covered by way of a planning condition. The Council's Head of Transportation and Engineering has, however, raised the issue

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that a further 3 spaces are necessitated to accommodate visitor needs, the absence of which has the potential to lead to obstructive parking on the rear access road to the site. This they have stated being an issue which could be addressed through the transferal of ownership of the access road to the Council and the subsequent introduction of Traffic Regulation Orders to limit / prohibit any parking along it. This would also allow for the provision of a continual access from Toynbee Road to Brookwood Avenue which formed part of a previous Area Action Plan.

Whilst these comments are noted and it would be preferable for the required visitor parking to be provided on site, given the particularly sustainable location of the building which is within walking distance of the town centre and its range of public transport options, it is not considered that the application in this particular case could reasonably be refused on the basis of a deficiency of car parking. In addition, whilst the aspiration for a walkway between Toynbee Road and Brookwood Avenue is noted, the applicants have confirmed that their intention is for the rear access road to remain private and it is not deemed that its transferal to the Council is something that could be insisted upon or that could form the basis of a reason for refusal given that it is not an explicit requirement of adopted Local Plan policy. There is therefore for the reasons given deemed to be no conflict with Saved Policies 59.BE (part v.) or 104.T in relation to the development proposed.

Conclusion:

Overall for the reasons as set out above, the application is considered to conflict with the relevant development plan policies, emerging local plan polices, associated supplementary planning guidance, as well as national planning policy.

OTHER MATERIAL CONSIDERATIONS

Also of relevance Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. 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

It is recommended that planning permission be refused.