MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/16/78045

DESCRIPTION	Construction of 2no. 3 bed semi-detached dwellings with associated landscaping, car parking and bin and cycle storage
ADDRESS	Land to the rear of 4 & 5 Maple Square Eastleigh SO50 9NS

SITE VISIT DATE	08 March and 04 April 2016
ARE PLANS ACCURATE?	It is considered that sufficiently detailed information has been provided to allow for the assessment of the development proposed.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks approval for the construction of 2no. semi-detached dwellings. The properties are two-storeys in height with each having 3-bedrooms. A shared vehicular access is proposed between Nos. 4 & 5 Maple Square to serve the dwellings, with on-site car parking, landscaping and bin and cycle storage also forming parting of the proposals.
SITE AREA	Approximately 0.07ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 28.6 dwellings per hectare.
TREES	There is a mixture of hedging, planting and trees on and in the vicinity of the site. This includes two relatively sizeable conifer trees to the western boundary, as well as Ash trees in the vicinity of the northern end of the plot. These trees are not covered by a preservation order and are proposed to be removed as part of the development.
BOUNDARY TREATMENT	There is 1.8m high close boarded timber fencing situated along the southern boundary of the site with No. 4 Maple Square. The northern and western boundaries are formed of a mixture of trees, fencing, hedging and mixed planting.
SITE CHARACTERISTICS	The application site is currently formed of two areas of domestic garden, having originally been part of the respective curtilages of Nos. 4 and 5 Maple Square. The southern section of the land has however more recently been subdivided from No. 4 by way of a close-boarded timber fence. The site is predominantly a mixture of lawn, long grass and scrubland.
CHARACTER OF LOCALITY	The site falls within an established residential area and is positioned to the north-western corner of Maple Square. The Square is made up of semi-detached, two-storey properties of a uniform original design which surround a central area of open space. There is a more a recent development of two semi-detached dwellings to the rear of No. 11 Maple Square, with the garage associated with these dwellings having also been granted permission to be converted to an independent

THE SITE AND ITS SURROUNDINGS

	dwelling.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
4 & 5 Maple Square		
F/15/77265	Construction of 2no. three bed semi-detached dwellings with parking, amenity space, bin and cycle storage and access from Maple Square	WITHDRAWN – 17/12/2015
Land adjacent to 11 Maple Square / 11 Maple Square		
Z/39129/000/00	Erection of pair of semi-detached houses, associated garages and parking	REFUSED – 09/10/2002
Z/39129/002/00	Erection of 2no. three bed semi-detached houses.	PERMIT – 01/07/2004
Z/39129/001/00	Outline: erection of pair of semi-detached houses (amended design)	WITHDRAWN – 13/07/2006
F/08/62279	Renewal of planning permission Z/39129/002 and F/04/51562 comprising of erection of 2no 4 bed semi-detached houses and double garage	PERMIT – 22/05/2008
F/13/72987	Conversion of garage to detached one bedroom dwelling with bin/cycle store and parking	REFUSED – 18/10/2013 (ALLOWED ON APPEAL – 13/05/2014)

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
88 Locksley Road, Eastleigh	Objection on the following grounds: • The proposed development will be visually overbearing and intrusive. • The proposals are out of character with the layout of development in the area. • Overdevelopment of the land. The development in the opposite corner of Maple Square is on a much larger plot of land and the houses are positioned in a way that they are not obtrusive. • Overshadowing of garden owing to the proximity of the development to the shared boundary. • Noise, pollution and dust from planned parking. • Insufficient parking for No. 5 Maple Square. • The Ash trees to be removed are perfectly healthy and should be preserved. • Loss of privacy resulting from the cutting back of the hedgerow. • The impact that the development will have on wildlife and hedgerow habitats.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	• Negative impact on nature from the removal of two extremely large conifer trees.
90 Locksley Road, Eastleigh	Objection to the application on the following grounds: • The cutting back of the hedgerow and removal of trees will disturb the wildlife that lives in it. • The planned houses will be visually overbearing and will cause overshadowing. • The cutting back of the hedgerow will cause a loss of privacy. • The planned parking will be a cause of nuisance, noise and dust. • A loss of parking for No. 5 Maple Square. • The development will be obtrusive and an overdevelopment of the land.
237a Passfield Avenue, Eastleigh	The occupier of No. 237a Passfield Avenue raised concern that the proposals include the removal of the Cypress trees that currently form a screen between the Passfield Avenue houses and the proposed development. The trees form a distinctive part of the character and environment of the area and mark the boundary of the original houses on this site that belonged to the Willis Flemming family. The matter of the ownership of the trees was also raised and it was questioned whether they fell within the application site or within the garden of the adjacent Vicarage.
12 Maple Square, Eastleigh	Objection on the grounds of insufficient parking, congestion and traffic including during construction.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation and Engineering	No objection. Parking for the proposed dwellings accords with the EBC Parking Standards in terms of both allocated resident spaces and visitor parking. The driveway proposed is of an acceptable width allowing for forward gear access and egress, and there is a bin collection provided. It was highlighted that the new dwellings will not be entitled to on-street parking permits for residents or visitors and that this should be made clear to the applicant. In relation to the existing dwellings, in this specific case, whilst only one space is proposed for each property, this is a potential improvement to what is currently available on-site as it will provide additional off-road parking to that which currently exists. Both of these existing properties will remain eligible for CPZ membership and as such there will be no net loss of parking. A requirement for developer contributions towards local highway improvements was highlighted.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Biodiversity Officer	Initial comments: • It was highlighted that the property is within 5.6km of the Solent and Southampton Water SPA and Ramsar sites and therefore a contribution towards the Solent Recreation Mitigation Project is required. • The Phase I Habitat Survey identified that the central and southern grassland and the dense scrub has high potential for reptiles, and recommended further detailed surveys. A holding objection is raised until these surveys have been undertaken. • Two hedgerows that are naturalised are to be lost as part of the development which may compromise habitat for reptiles, birds and invertebrates. To ensure that there is no negative impact on biodiversity in general as a result of the development, I recommend that native hedgerows are used as boundary treatment on three of the boundaries to ensure that the hedgerows lost are replaced. Subsequent comments following receipt of further reptile surveys: • The survey found one juvenile slow worm indicating that there is a breeding population within the locality. Although I am happy for the reptiles to be displaced from the site rather than translocated, I cannot agree to a strategy that provides no mitigation for habitats lost to the slow worm population. • To ensure that the reptile population is protected I recommend that either the reptile report is changed or a condition is attached to any permission granted to ensure some habitat is retained on site.
Head of Countryside and Trees	Whilst no formal written comments were received, the Council's Tree Officer, having undertook a site inspection, verbally confirmed that he had no objection to the proposed removal of the Ash or Conifer trees associated with the development.

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), Saved Policies 25.NC (Biodiversity), 28.ES (Waste Collection/Recycling), 34.ES (Energy and climate change), 59.BE (Promoting good design), 100.T (Minimise Travelling), 101.T (Infrastructure Contributions), 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, DM2, DM23, DM24, DM29, DM32, DM35, DM37.
Supplementary Planning Document: Quality Places

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

Supplementary Planning Document: Planning Obligations
Supplementary Planning Document: Residential Parking Standards

CHARACTER APPRAISAL AREA

Eastleigh Character Area:

The site falls within the *ELAC 20* area where the Council's adopted character appraisal document sets out the following guidance principles for new development:

- Maintain the importance of the central open green space and the formal building composition around it.
- Mitigate the effects of the heavy vehicular traffic on Chestnut Avenue in new development using measures such as boundary planting, set backs, transition spaces and orientation of internal spaces.
- Ensure that new development relates effectively with the building features and materials prominent in existing development.

SPECIAL POLICY AREA

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

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

NATIONAL PLANNING POLICY GUIDANCE

people".

- Paragraphs 109 and 118 which require that, when determining planning applications, local planning authorities aim to conserve and enhance biodiversity.

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, trees, biodiversity, environmentally sustainable development, 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 covered in the below assessment of the proposals where necessary and appropriate.

COMMENT ON REPRESENTATIONS RECEIVED

In terms of the matter of the positioning and ownership of the trees that has been raised within the representations received. These trees fall within the application redline but the matter of whether they are actually within the ownership of the adjacent Vicarage has been questioned by neighbouring occupiers. The applicant has investigated this issue with the adjacent land owner who has acknowledged that First Wessex are in possession of the land and have been so for an extended period of time. For clarity, they have also confirmed that they have no objection to the proposals including the removal of the large fir/conifer trees in the proximity of the boundary.

The other comments received are noted with the matters raised being covered in the below assessment of the proposals where necessary and appropriate.

PLANNING OBLIGATION/CONSIDERATIONS

Following the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy as set out in the Ministerial Statement of 28 November 2014, and the subsequent changes to the National Planning Practice Guidance, the threshold for which affordable housing and tariff based contributions can be sought has been increased. This means that developments of 10 units or less (and which have a maximum combined floor space of no more than 1000sqm) will be exempt from the need to provide tariff based planning obligations or affordable housing. As such and in light of this, there are deemed to be no contributions required in relation to sustainable transport, public open space or community infrastructure in this case.

A contribution is however required towards the Solent Recreation Mitigation Partnership in line with the provisions of Saved Policies 25.NC and 191.IN of the adopted Local Plan, as well as those of the NPPG. The latter states (Ref ID: 23b-020-20160519) that an exception to the Ministerial Statement of 28 November 2014 may be where funding measures are needed to facilitate development that would otherwise '…be unable to proceed because of regulatory or EU Directive Requirements'. It is considered that this is the case in relation to the Solent Recreation Mitigation Project which seeks to mitigate against additional recreational pressures resulting from new development, upon the designated Solent SPAs and SACs. A programme of mitigation measures, focused on visitor management, has been agreed and is to be financed by contributions from developers. These arrangements are considered to meet the three tests of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the advice in paragraph 204 of the NPPF.

The applicant has made provision for the required contribution in respect of this development by way of an appropriate up-front payment.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 25.NC 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 to the satisfaction of the Council that: (i) the benefits of the development outweigh the adverse impacts; (ii) the adverse impacts are unavoidable, and (iii) appropriate measures are taken which would mitigate or compensate for any adverse impacts.

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 34.ES requires that development makes an appropriate contribution towards the Government's target to reduce levels of carbon dioxide and other greenhouse gases in the atmosphere.

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 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 101.T states that development which results in additional traffic on the local road network greater will: only be permitted if the Council is satisfied that there is a proven need for the development in the location proposed and; be the subject of the provision of contributions towards the implementation of the Local Transport Plan and/or other transport proposals set out in the Local Plan.

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

Saved Policy 191.IN states that appropriate proposals for development will be permitted provided that the developer has made arrangements for the provision of the infrastructure, services, facilities and

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amenities directly made necessary by the development or has made arrangements to contribute towards the early improvement of existing infrastructure, services, facilities and amenities, the need for which will increase as a direct result of the development proposed.

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:

The application is considered to comply with the requirements of Saved Policy 59.BE of the adopted Local Plan in this respect. The proposed dwellings are acceptable in scale and size and have been designed to be visually respectful and complementary to the appearance and form of the existing neighbouring development within Maple Square. The site layout is also suitably configured, with the dwellings being considered to be appropriately positioned and orientated such as to create an acceptable residential setting, which will be further assisted by the landscaping proposed to the frontage and publically visible areas. In addition, the siting of the dwellings relative to the building line of Nos. 1 to 4 Maple Square in particular also assists in minimising the potential prominence and visual impact of the development as viewed within the street scene. Taking account of each of these factors, it is not considered that the proposals will have an adverse impact upon the character of the surrounding area.

In terms of external facing materials, whilst an ivory render and brown concrete roof tile as listed on the materials schedule is deemed acceptable and in-keeping with the neighbouring development in general terms, in order to ensure that these are appropriate in type, exact colour and texture, a condition will be imposed to require details and samples to be submitted for approval prior to the commencement of development. A further condition will be imposed to require that the site landscaping be provided in accordance with the submitted relevant drawing and that the management plan in this regard be adhered to.

Residential amenity:

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 the existing residential properties which neighbour the site with this including during the undertaking of its construction, 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.

With regards to the matter of the amenity of the future occupiers of the development, the application is considered to be acceptable. The development provides for an appropriate level of amenity space for each of the respective dwellings that is in excess of the minimum requirement

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set out in the Council's Quality Places SPD of an area equivalent to 60% of the floorspace of the property. Each dwelling also provides for an acceptable level of internal living space and their habitable windows will achieve sufficient levels of outlook, daylight and privacy such that an appropriate level of amenity will be afforded to the future occupiers of the development.

In terms of the impact of the proposals upon the occupiers of neighbouring dwellings, having reviewed the representations received and assessed the proposals on site, there are again considered to be no unacceptable impacts in this respect. An appropriate degree of separation is afforded between the proposed dwellings and neighbouring boundaries and properties such that no undue overlooking will result and the development will not be adversely overbearing. In addition, it is not considered that the proposals will unduly reduce levels of outlook or light for neighbouring occupiers. The matter of boundary treatments that has been raised within the representations received will be covered by way of a planning condition to ensure that these are of an appropriate nature.

Given the positioning of the site and the fairly restricted access to it, however, it is acknowledged that the construction of the development has the potential to impact upon residential amenity. In order to seek to limit this as far as possible, conditions will be imposed to restrict hours of working and on-site burning. In addition, a construction management plan will be required to be submitted prior to commencement of development to address the matters of contractor parking and the controlling of dust and noise during construction works.

The application is deemed to accord with the requirements of Saved Policy 59.BE (vii.) of the adopted Local Plan.

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 acceptable provision to be provided in each case and, as such, the application complies with these requirements.

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). In this regard there are two main considerations. Firstly the impact of the proposals on parking arrangements for existing residents at Nos. 4 and 5 Maple Square, and secondly the ensuring of an acceptable level of provision for the future residents of the new development.

On the latter issue, the Council's adopted Residential Parking Standards SPD requires that 2 spaces be provided for dwellings with 3 bedrooms as in the case of those proposed, resulting in a total necessitated on-site allocated provision of 4 spaces. In addition to these a further space is to be provided for visitors to the development. These spaces are to be delivered to the front of the site with adequate access and turning space being afforded for them.

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In terms of the existing properties, a single space is proposed to the front of each dwelling which will represent an overall improvement in the quantum of parking relative to the current situation. Whilst there is a degree of overlap of the respective hardstandings with the access to serve the new dwellings, there remains adequate space to accommodate a vehicle in each case and no objections have been raised by the Council's Head of Transportation and Engineering to this or the other highway related aspects of the proposals.

The development thereby complies with the requirements of this SPD as well as Saved Policy 59.BE (v.) of the adopted Local Plan.

Trees:

Saved Policy 59.BE (i) requires that development is appropriate both in itself as well as in relation to natural features and trees worthy of retention. There are presently mature Conifer trees situated to the western side of the site, as well as Ash trees to the north. These trees are not protected by way of a preservation order and are proposed to be removed in order to facilitate the development. This being both in terms of the physical siting of the properties, as well as with regards to ensuring that their amenity areas are not unduly overshadowed.

The Council's Tree Officer has visited the application site in order to assess the condition of these trees and has advised that there are no objections to their removal. In light of this, and also taking account of their unprotected status as well as their positioning within a domestic garden setting and the limited contribution that they thereby make to the wider public realm, whilst the representations received in this regard are appreciated, it is not deemed that the application could reasonably be refused on the grounds of an unacceptably detrimental impact upon the amenity of the area resulting from the loss of these trees. There is therefore deemed to be no undue conflict with the requirements of Saved Policy 59.BE (i) of the adopted Local Plan in this regard.

Biodiversity:

The application site comprises two residential gardens, one of which has been managed as part of the curtilage of No. 5 Maple Square and the other of which has been left unmanaged having been segregated from No. 4 Maple Square. The application, as originally submitted, was supported by a Phase I Habitat Survey which assessed the site for protected species and had identified that the grassland and dense scrubland present provided suitable habitat to support reptiles. A reptile presence / likely absence survey was therefore recommended. This survey has subsequently been undertaken and found one juvenile slow worm to be present, indicating that there is a breeding population within the locality. To ensure that the reptile population is protected, it is considered necessary to ensure that some reptile habitat is retained on site. A condition will therefore be imposed as recommended to require the submission of a reptile mitigation strategy for approval by the LPA prior to the commencement of development. A further condition requiring the submission of details of boundary treatments will also be imposed in light of the comments of the Council's Biodiversity Officer concerning hedgerows that are to be lost as part of the proposals as set out above.

With the imposition of these conditions, it is considered that there is no unacceptable conflict with the requirements of Saved Policy 25.NC of the adopted Local Plan.

Environmentally sustainable development:

Saved Policy 34.ES requires that development makes an appropriate contribution towards the

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Government's target to reduce levels of carbon dioxide and other greenhouse gases in the atmosphere. In addition, the Council's adopted Supplementary Planning Document: Environmentally Sustainable Development sets out a number of essential requirements that new residential development must meet. The application is accompanied by a sustainable design and construction statement which indicates how these standards are proposed to be met. A condition will be imposed to ensure that these requirements are adhered to and with this it is considered that the application complies with the aforementioned Local Plan policy and associated SPD requirements.

Conclusion:

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

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

It is recommended that planning permission be granted subject to conditions.