

MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/15/75793

DESCRIPTION/ ADDRESS	Erection of 2no. 4bed dwellings with integral garages, 1no. 4 bed dwelling with detached garage, with associated car and cycle parking following demolition of existing dwelling St Martins Botley Road Horton Heath Eastleigh SO50 7DU
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SITE VISIT DATE	27 th January 2015
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes and site notice displayed immediately outside the site on a telegraph pole.

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	As above – this application amalgamates applications F/12/71506 and F/14/73968 with the only alteration being the rear projections on Unit 1 and Unit 2 now have a flat roof rather than a hipped roof.
SITE AREA	2152sqm / 0.215 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	13.9dph
TOPOGRAPHY	Generally flat site
TREES	There are a number of mature trees along the northern boundary, adjacent to a public footpath. With two ever green trees situated on the southern boundary of the application site. Potential for trees to be impacted, Arboricultural Impact Assessment submitted.
BOUNDARY TREATMENT	• The eastern (front) boundary consists of a 1.5m brick wall; • The northern (side) and western (rear) boundary consists of 1.8m close boarded fencing; • Part of the southern boundary treatment consists of 1.7 metre high close boarded fence and double gates providing vehicular access to the existing garage and rear garden area of St Martins.
SITE CHARACTERISTICS	Site is currently occupied by detached single storey dwelling with frontage parking and access from Botley Road, and rear garden containing two detached pitched roofed garages. A public footway runs along the northern boundary on slightly elevated land and the rear of the site is served by a vehicular access from the private road named Orchard Drove.
CHARACTER OF LOCALITY	The character of the street is dominated by a ribbon pattern of development with 1930's bungalows with spacious plots, in the form of extensive rear gardens. Numerous of these gardens have been sub-divided to form groups of residential

THE SITE AND ITS SURROUNDINGS

	properties served by private roads. Botley Road now comprises a mixture of single, chalet and two-storey dwellings, typically detached and set back from the road, with frontage parking and rear gardens. The built form varies in design, roof form and materials.
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RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/14/73968	Erection of 2no. 4 bed dwellings with integral garages following demolition of existing dwelling St Martins	Permitted STCs 23/4/14
F/12/71506	Erection of 1No. 4 bed dwelling within the rear garden are of St Martins	Permitted STCs 17/01/2013
Z/37458/000/00	Erection of 3 No. detached two storey dwellings with garages, car parking and vehicular access from Botley Road. Land rear of Edenfield and St Martins, Botley Road Horton Heath.	Permitted STCs 9/11/01

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Crispin, Botley Road	Objected to the proposal on the basis that all rear windows of one of the houses will look directly into the only lounge window resulting in a loss of privacy. A request was made for a site visit and that the application be discussed at a public planning meeting.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Fair Oak Parish Council	Members raised no objections to the above development but have asked for this application to be referred to Borough Councillors with a view to negotiating with the developer the provision of land for a bus shelter.
Head of Planning Policy and Design	No response received.
Head of Transportation and Engineering	No objection subject to contributions toward the upgrade of the existing bus stop immediately outside the site to a bus shelter. Actual Cost £6k In principle no objection to the redevelopment of site, but there are detailed issues regarding relationship with the adjacent public footpath to north. This path has been highlighted as one of the primary foot/cycle path links between the proposed Horton Heath Burnetts Lane housing area and the local shop/garage facility in Botley Road. As such use of the path is likely to increase by walkers and cyclists. The current path is slightly built up above the level of St Martins land, but the existing fence is set lower in garden of St Martins. There is a narrow margin all the way along the south side of the footpath adjacent to the existing boundary fence owned by EBC which is not detailed on

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	the topographic survey or planning layout. To ensure that this EBC margin area is not lost and subsumed into the development, I would like to see the margin land clearly identified on planning application detailed layout plan and for it to be clearly shown that any new fencing needs to be erected so as it is a robust fence that would not be damaged by passing children. To avoid overlooking from the path into back gardens, the level of the fence needs to be set in relationship to at least 1.8m above the level of the path edging and not relative to the lower garden level. It would be probably best to remove the current fence and slightly raise the level of the ground alongside the path so as the EBC ground along the edge of the path and garden are the same as the footpath level. A further setting back of the boundary to improve the width available would be beneficial. In order to improve width and reduce risk of damage by passing people. In personal security terms, a development format allowing more informal overlooking of the path would be desirable. Please take up with applicants.
Head of Housing and Environmental Health	The development site is located within a residential area and has existing residential properties on three sides • The proposals include the demolition of the existing property • The construction of unit 1 & 2 blocks access to the rear part of the site, the location of • unit 3 • There are no details submitted about the construction programme, proposed deliveries nor the location of the site compound etc. Both noise and dust generated from the demolition/construction processes have the potential to impact on the amenity of the existing neighbouring properties. Consideration on delivery times is also needed. There is also, subject to how the site is phased, the potential that the access to unit 3 will be from Orchard Drive. This would particularly impact on the occupiers of Edenfield as they would effectively be surrounded by the development work. Therefore I recommend amenity protection conditions relating to noise, dust, hours of work, and burning.
Head of Countryside and Trees (Tree Officer)	No objection subject to conditions
Southern Water Services	Public sewer within close proximity to development. Advised no tree planting should take place within 3 metres of, and no new soakaways should be located within 5m of the centre line of the nearby public sewer. In addition a formal application for connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove Road, Otterbourne, Hampshire, SO21 2SW (15) or www.southernwater.co.uk. Condition requested to show details of protection measures for public sewer.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within an existing Character Area

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

Eastleigh Borough Local Plan Review (2001-2011): • 28.ES (Waste Collection/Recycling), • 59.BE (Development Criteria) • 63.BE (Car Parking) • 72.H (Density) • 100.T (Minimise Travelling) • 101.T (Infrastructure Contributions) • 102.T (Access arrangements) • 104.T (Parking) Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising of 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': • DM1 (Development Criteria) • DM2 (Sustainable Development) • DM23 (Transport) • DM24 (Parking) • DM25 (Residential Development) • DM29 (Internal Space Standards) • DM35 (Community Infrastructure) • DM37 (CIL/S106) Supplementary Planning Guidance: Quality Places Supplementary Planning Document: Planning Obligations Supplementary Planning Document Residential Parking Standards Supplementary Planning Document : Bishopstoke, Fair Oak and Horton Heath Supplementary Planning Document: Environmentally Sustainable Development

CHARACTER APPRAISAL AREA

Bishopstoke Fair Oak and Horton Heath Character Area – BiFOHH 26
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SPECIAL POLICY AREA

Not within a Special Policy Area

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework: The NPPF carried a presumption in favour of sustainable development (para. 14), which incorporates three elements: economic, social and environmental, (para. 7). Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise (para. 11). Should a development proposal accord with the development plan, approval should be given without delay (para.14).
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NATIONAL PLANNING POLICY GUIDANCE

It goes on to state that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date (para.49) and that housing applications should be considered in the context of the presumption in favour of sustainable development (para.49).

Para. 53 states that “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”

The NPPF highlights 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, (para. 56). It goes on to state that decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development (para. 58).

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

Noted. Conditions/Notes to applicant are recommended where appropriate. All other matters are addressed below.

COMMENT ON REPRESENTATIONS RECEIVED

Despite the neighbours request, the application remains delegated as it is not considered to be of significant local interest or significantly controversial. A site visit to Crispin was made on 17/3/15 where impacts upon amenity were noted and appropriately addressed below.

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 101.T, of the Eastleigh Borough Local Plan Review 2001-2011
- Emerging policies DM23, DM35 and DM37 of the Revised Draft Eastleigh Borough Local Plan Review 2011-2029
- Supplementary Planning Document – Planning Obligations

Despite recent changes to the planning obligations regime the existing bus stop immediately outside the site has been identified as requiring upgrade in order to encourage the use of public transport. The additional homes and residents which the scheme would generate would clearly increase demand and use of this bus stop and so it would worsen the infrastructure deficiency. The Regulation 122 test is that a planning obligation must be directly related to the proposed development, not that one must be needed as a direct result of it. I am therefore content that the contribution towards mitigation in the form of a new bus shelter, with hard standing and raised kerbs would be both necessary and directly related to the development.

Due to changes introduced on 28th November 2014, the council is no longer able to apply its adopted tariff based approach towards securing monies for these works and therefore a contribution of

£6,000 is required to cover the actual costs of providing the upgraded bus stop.

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Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

MATERIAL CONSIDERATIONS

Principle: Parah.53 of the NPPF directs that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

This statement formalising the aims of the elected Coalition Government in 2012, highlighting the loss of people's amenity area with the phrase of "garden grabbing". Officer's support this guidance in principle however, as highlighted "harm to the local area." In this instance the character and pattern of development of this part of Horton Heath is principally one of recent housing being built in the considerable rear gardens of existing properties thereby this proposal would not cause any harm to the local area. On this basis the application site is viewed as a potential development site for residential purposes.

The development site is located within an established residential area within the built urban edge. The principle of development is therefore accepted, subject to the proposed scheme being appropriate in nature, scale, design and impact, in compliance with the relevant planning policy and guidance.

In this case, the relevant saved local plan policies are 28.ES (storage and collection of waste and recycling); 34.ES (sustainable construction and energy efficiency); 37.ES (sustainable construction and water consumption); 45.ES (sustainable disposal of surface water); 59.BE (general context and design criteria); 63.BE (car parking design); 72.H (housing density); 100.T (management of impact on transport network); 101.T (transport contributions); 102.T (access arrangements); 104.T (requirement for adequate off-highway parking);

Layout and Appearance: The application site lies within the Urban Edge as designated on the proposals map to the adopted local plan. Accordingly the general principle of development is acceptable, with any formal 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 guidance. In this instance the key policy being saved 59.BE of the current local plan and its equivalent DM1 of the emerging Pre-submission Eastleigh Borough Council 2011-2029.

Saved Policy 59.BE of the Local Plan and emerging Policy DM1 of the Amended Draft Eastleigh Borough Local Plan both require development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

The application site falls within an area covered by the Character Area Appraisals for Bishopstoke, Fair Oak and Horton Heath, Supplementary Planning Document. In particular Character Area BIFOHH 26, that offers the following guidance:

"Ensure that any backland development is subordinate to the existing development and served via

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a separate road.”

To comply with this stipulation, access to the property to the rear (plot 3) is provided via the existing private road, Orchard Drove. This providing vehicular access to this small cul-de-sac of three detached properties. The proposed development simply completing the northern portion of this area of housing. Resulting in an evolving pattern of development, being secondary private drives leading from the main highway Botley Road, to small groups of modern housing. The housing on the frontage are accessed via Botley Road directly, in a similar fashion to the existing property.

The rear new property (Plot 3) is as approved under application F/12/71506. It has been sited to blend harmoniously with the cul-de-sac arrangements of the dwellings on Orchard Drove. The resultant garden to the rear of the proposal is equal to those of the properties on Orchard Drove. Whilst being a metre below the prescribed 12 metre rear garden length in the Quality Places, Supplementary Planning Document, the garden area has significant width of 19 metres and address's a public footpath and not the more traditional rear elevation to rear elevation relationship. This rear garden dimension both provides sufficient useable private amenity space and appropriate separation between existing and proposed housing to overcome problems of overlooking, loss of privacy and disturbance.

In order to harmonise with the existing recently constructed detached units, the proposed design is of a similar building mass, profile and roofscape to these dwellings. The split level roof arrangement seeks to be sympathetic to both the single storey St Martins bungalow and the two storey number 3 Orchard Drove. The design concept is the adoption of a 1930's vernacular to mark the new property from the previous development. The material choice of red brickwork and white render echoes properties throughout the area. The inclusion of details such as sprocketed eaves and brick corbels within the render articulate the elevation and variety in the street scene.

The properties on the frontage (Plots 1 and 2) are as approved under application F/14/73968. These are set roughly in line with the predominant building line of properties south of the site on Botley Road. They are of a more conventional design with projecting front gables with boxed bay windows, and a main hipped roof with box dormer set back. Whilst these will be substantial buildings, they are not dissimilar to a number of properties in the immediate vicinity.

Accordingly, the proposed development is considered to comply with national planning guidance and current and emerging new development local plan policies 59.BE and DM1, respectively. Furthermore, following the provision of Supplementary Planning Document, Quality Places and Character Area Appraisal.

Residential Amenity: In respect of the rear dwelling (Plot 3), the domestic garden available has depth of 10.5 metres, replicating the current garden arrangements of the nearby houses numbers 2 and 3 Orchard Drove. The eastern boundary with the new frontage properties will be defined by typical 1.8 metre high close boarded timber fence. Accordingly appropriate and useable garden space is provided.

In response to the objections raised by the occupier of Crispins, Botley Road, the property directly north of the application site. Whilst understanding the concerns raised these need to be reviewed in the context of the relationship of existing and new development. The immediate surrounding character of Orchard Drove is modern detached houses addressing an informal court yard area. This proposal echoes this approach with access arrangements via the private road Orchard Drove and a traditional two storey house being double aspect front and rear elevations. Notwithstanding the property Crispins principle elevation being to the south looking towards the proposed house, there is a minimum distance of 18 metres between these elevations. In addition to the elevations being slightly offset, there being a public footpath and associated boundary treatments between the existing and proposed properties. Accordingly, there is appropriate separation between existing and proposed

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housing to overcome problems of overlooking, loss of privacy and disturbance. On this basis it is considered there is no material harm to the amenities currently enjoyed by the occupiers of Crispins.

The proposed frontage dwellings (plots 1 and 2) are arranged to back onto the eastern side elevation of the proposed rear dwelling (Plot 3). Due to the orientation of this property and Edenfield, there should be no significant overshadowing. There is a flat roof garage attached to Edenfield, which separates the two properties and there are no windows facing towards the proposed dwelling. It is considered there will be no significant detrimental impact on Edenfield and no objection has been received from the residents.

There are no significant windows in the eastern side elevation of the rear property (plot 3) or the rear elevation of unit 2 of the current scheme which would suffer detrimental overlooking.

Unit 1 has the potential to cause overlooking onto the rear garden of the approved property. However, due to the position of the two buildings, and the topography of the land, there will be no overlooking from habitable rooms and limited potential from one of the two bedroom windows which face towards the approved property. Bedrooms do not constitute a habitable room and some degree of overlooking is typical in residential areas. There are some examples of similar arrangements in the vicinity.

The proposed gardens for the new dwellings exceed the Council's guidance set out in the Quality Places SPD (unit 1, c. 83% and unit 2, c. 66%).

Access and Parking: The proposed properties utilise the existing access arrangements with Plots 1 and 2 accessed off of Botley Road and Plot 3 off of Orchard Drove.

The site access to Plot 3 will be off of Orchard Drove, which presently serves 3 dwellings and has ample space for manoeuvring vehicles. The current detached single garage on the application site, is constructed in the same style as the dwellings on Orchard Drove and is to be retained supplementing the on-site parking provision for at least two vehicles.

Overall the parking arrangements appropriately address the Council's parking standards as set out in the Residential Parking Standards SPD. There is potential loss of what appears to be informal visitors' parking spaces in Orchard Drove however there is sufficient space within this residential area to accommodate visitors parking. Transportation and Engineering have not raised an objection to the proposal and have not raised concern with regard to potential for increased traffic movements, which are minimal for a net increase of one unit.

Trees: The application site includes 2 evergreen trees on the southern, with one being felled to allow vehicular access to the rear of the site. Whilst these trees are a pleasant addition to the street scene, they are not worthy of formal protection, with one remaining at the southeast corner of the site.

The Council's Tree Services Manager is satisfied with the Arboricultural Impact Assessment which has been submitted as part of this application. Tree protection measures have been proposed, which can be conditioned and the plans indicate additional trees will be planted.

Refuse Collection: Saved Policy 28.ES, emerging policy DM1, and the Quality Places SPD requires adequate provision of waste disposal/bins to be provided. The location of refuse facilities are shown on the proposed plans and whilst no specific details are provided the storage area is located within the site and behind the 1.8m fenced boundary where it will not have any detrimental visual impact.

Sustainability: In accordance with emerging Policy DM2 new dwellings are required to meet the requirements of our Environmentally Sustainable Development SPD. The applicant has submitted a pre-assessment estimator which demonstrates the development is capable of achieving Code Level 4, which was appropriate at the time of receipt of the application. Conditions requiring design and post construction certificates and reports to be submitted are recommended.

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Other Matters: Due the close proximity of the proposal to residential properties and given the high likelihood of disturbance during development conditions would have been recommended to require a construction management plan to deal with matters such as timings of work, parking, dust, noise, compound and materials storage locations, lorry routing. A condition relating to piling, hours of work, and burning would also have been added, all to ensure the LPA has adequate control to protect residential amenity.

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

In view of the above the proposal is considered to comply with existing and emerging policies and is therefore recommended for approval subject to conditions.