

CFH – Chandlers Ford and Hiltingbury Local Area Committee Wednesday 13 September 2017.

Application Number: F/17/79881
Case Officer: Gary Osmond
Received Date: Tuesday 17 January 2017
Site Address: 37 Kingsway, Chandler's Ford, SO53 1EL
Applicant: Nigel Stannett
Proposal: Construction of 3no. five bedroom detached dwellings, including additional access to Kingsway, following demolition of existing dwelling
Recommendation: REFUSE

CONDITIONS AND REASONS

1. The proposed development by virtue of its layout, scale, form and design does not sufficiently take into consideration the constraints of the site, the sylvan nature or the prevailing pattern of development in the surrounding area, to the detriment of its character and visual amenity. As such the application is considered to be contrary to saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011), Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, July 2014, and the Council's Supplementary Planning Document 'Quality Places'.
2. The submitted Flood Risk Assessment does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework contrary to saved Policies 41.ES, 42.ES and 43.ES of the Eastleigh Borough Local Plan Review (2001-2011) and Policies DM4, DM5 and DM6 of the Submitted Eastleigh Borough Local Plan 2011-2029, July 2014.
3. The proposed development would result in the unacceptable loss of a protected Oak tree which provides an important natural amenity feature, to the detriment of the street scene and sylvan character of the surrounding area. As such the application is considered to be contrary to saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011), Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, July 2014, and the Council's Supplementary Planning Document 'Quality Places'.
4. Insufficient information has been provided to demonstrate that the proposed development will not result in unacceptable harm to protected species or that water quality and flows would not be affected to the extent that harm would result to the River Itchen Special Area of Conservation. The application is therefore considered to be contrary to saved Policy 25.NC of the Eastleigh Borough Local Plan Review (2001-2011) and Policy DM9 of the Submitted

Eastleigh Borough Local Plan 2011-2029, July 2014.

Note to Applicant: The application was refused following the assessment of the following plans: 15.072.01 Rev B, 15.072.02, 15.072.03 Rev A, 15.072.04 Rev B, 15.072.05 Rev A, 15.072.06 Rev A & 15.072.08 Rev A. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

This application has been referred to Committee by Councillors Atkinson, Hughes and Grajewski.

Description of Application

1. The application seeks consent for the construction of 3no. five bedroom detached dwellings with an additional access to Kingsway, following demolition of the existing dwelling.

Site Area & Density

2. The application site is 2920 square metres in area with a current residential density of just over three dwellings per hectare. The proposal for three would equate to a density of just over ten dwellings per hectare, which is not dissimilar to the average density in the surrounding area.

Topography, Trees & Boundary Treatment

3. The site itself is relatively flat and level, although it does lie at a lower level to the road. There are a number of large trees, mainly around the periphery of the site which are subject to Tree Preservation Orders, although there are other smaller trees within the boundaries of the site which are part of the fairly mature garden. The site frontage is marked by a 1.5 metre high hedge, with the majority of the remaining boundaries marked by 1.8 – 2.0 metre high timber fencing.

Site Characteristics

4. The application dwelling is a bungalow dating from the 1950s/60s with a later loft conversion to provide some first floor accommodation with a large box dormer to the rear. It has a modest conservatory to the rear and a large detached garage to the side.
5. The plot is generous in size and appears to have been bought as a double plot, given that there is no No.35 Kingsway. The site is accessed from

Kingsway via a small bridge which spans one of two streams which run through the site, one immediately along the site frontage and one which runs across the site from north to south approximately half way into the site. All development within the site sits on this 'island' between the two streams.

Character of Locality

6. The surrounding area is predominantly residential in nature and made up of good size mainly single and two storey detached dwellings on fairly generous plots, although to the rear of the site is Merdon Junior School.

Relevant Planning History

7. The only record of any planning history relating to the site was an approval in 1995 for a replacement garage, together with a number of tree works applications.

Representations Received

8. A total of 13 representations have been received which raise the following issues, concerns and objections:
 - Parking and highway safety
 - Traffic
 - Poor design
 - Not in keeping with character of street
 - Overdevelopment of site
 - Visually intrusive
 - Loss of privacy
 - Loss of trees and impact on those retained
 - Impact on wildlife
 - Flooding
 - Disturbance during construction
 - Breach of covenant

Consultation Responses

9. **Head of Transportation & Engineering** – No objection. Visibility and on-site parking levels are acceptable. The addition of two further dwellings is not expected to have any noticeable impact upon the local highway network.
10. The new dropped kerb will require separate consent from Hampshire Highways and conditions are recommended for the submission and approval of a construction site management plan prior to commencement should the application be approved.
11. **Tree Services Manager** – While those trees along the site frontage and to the rear would be reasonably protected due to the position of the two streams which run across the site, an objection to the loss of tree T7, an Oak, is raised.

Although this tree has been significantly reduced, it has responded well and shows no signs of decay, pests or disease. The tree has significant longevity and value if managed correctly.

12. **Biodiversity Officer** – Insufficient information has been provided to demonstrate that the two streams and their water quality will not be adversely impacted by the proposed development. These streams are tributaries of the Monks Brook, which in turn is a tributary of the River Itchen, which is designated as a Special Area of Conservation.
13. No information has been provided to demonstrate that the site can accommodate a suitable sustainable drainage system with filtration together with the dwellings proposed.
14. The submitted ecology survey highlights the potential for bat roosts within some of the trees on site. However, no follow up survey has been undertaken to establish if any roosts are present. Slow worms may also be present on site and details of possible mitigation would be required before works commence.
15. **Environment Agency** – Objection. The submitted Flood Risk Assessment does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework.
16. **Chandler’s Ford Parish Council** – No comments received.

Policy Context: Designation Applicable to Site

- Within Built-up Area Boundary
- Within Established Residential Area
- Within Flood Zones 2 & 3

Development Plan Saved Policies and Emerging Local Plan Policies

- Eastleigh Borough Local Plan Review 2001-2011 saved Policies: 25.NC, 28.ES, 34.ES, 41.ES, 42.ES, 43.ES, 45.ES, 59.BE, 100.T & 104.T
 - Submitted Eastleigh Borough Local Plan 2011-2029, July 2014 Policies: DM1, DM2, DM4, DM5, DM6, DM9, DM23, DM24, DM25 & DM29
17. The Submitted Local Plan comprises: the Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and the Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014.

Supplementary Planning Documents

- Supplementary Planning Document: Quality Places (November 2011)
- Supplementary Planning Document: Biodiversity (December 2009)
- Supplementary Planning Document: Residential Parking Standards (January 2009)

- Supplementary Planning Document: Environmentally Sustainable Development (March 2009)

National Planning Policy Framework

18. The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of the development would outweigh the benefits; or specific policies in the Framework indicate development should be restricted (paragraph 14). Local plan policies that do not accord with the NPPF are now deemed to be “out-of-date”. The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given.
19. Paragraph 14 of the NPPF sets out the “presumption in favour of sustainable development” in both plan-making and decision-taking.
20. 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”.
21. Paragraph 53 of the NPPF 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.”
22. Paragraph 56 of the National Planning Policy Framework states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
23. 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.”
24. 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.”

25. It goes on to say in paragraph 64 that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

National Planning Practice Guidance

26. Where material, this guidance should be afforded weight in the consideration of planning applications.

Policy Commentary

27. The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to: the relevant planning policies and the principle of development; the layout and design of that proposed and its impact upon the street scene and wider character of the surrounding area; the residential amenity of neighbouring properties and future occupiers of the development; trees and biodiversity; flooding; parking, traffic and highway matters; and environmental sustainability.

Comment on Consultation Responses and Representations Received

28. A detailed response to the main issues raised is given below. With regards to matters of breach of covenants, this is a legal matter not dealt with as part of any planning application and is not a material planning consideration. The concerns regarding disturbance during construction are noted and reasonable restrictions could be applied via conditions to protect the amenity of residents should the application be approved.

Assessment of Proposal: Development Plan and / or Legislative Background

29. 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."

30. In this case policy issues for consideration include:

Policy and Principle

31. 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. The most relevant policy in this case is saved Policy 59.BE of the Local Plan which 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, a satisfactory means of access and layout for vehicles, cyclists and pedestrians, to make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, and noise and fumes. Also of relevance is Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029, July 2014, which essentially reiterates the above requirements. Other relevant policies are highlighted where relevant below.

32. The principle of subdividing the existing plot to provide additional dwelling units is acceptable. However, any formal planning approval will be dependent upon the detailed design and impact of that proposed being considered to accord with the relevant saved policies of the adopted Local Plan and Supplementary Planning Documents.

Layout, Design, Street Scene and Area Character

33. The application seeks consent for the construction of three detached two storey dwellings following the demolition of the existing chalet bungalow. Plot 1, immediately adjacent to No.39 Kingsway, and the central Plot 2 would utilise the existing site access, with Plot 3, adjacent to No.33 Kingsway, being provided with a new site access over the frontage stream. The dwellings would be of a reasonably traditional appearance with pitched roofs and using brick and tile, together with some weather boarding.
34. The application plot was obviously sold as a double plot, hence there being no No.35 Kingsway, and on initial inspection of the submitted drawing it would appear that there is scope to subdivide it into three. However, the layout proposed is only possible with the removal of a significant Oak tree along the north-eastern boundary which is subject to a Tree Preservation Order. The proposed layout also does not take sufficiently into account the remaining large trees on site. While it may be possible to physically construct the proposed dwellings without resulting in adverse harm to these retained trees, there are concerns that they would result in overly shaded dwellings and gardens.
35. The design of the dwellings is also considered to be fairly poor, made up of disjointed elements and appearing overly bulking in form and scale. They pay little heed to the prevailing character of this part of Kingsway which is predominantly single storey bungalows with fully hipped roofs. While some do have first floor accommodation, this is generally within the roof and not overtly obvious when viewed from the street. The site layout also lacks the spacing which is present between neighbouring properties and would give the development a rather cramped feeling when compared to the relatively spacious feel and character of the street.
36. While not necessarily an overdevelopment of the site, the proposed scheme does not sufficiently take into account the site and surrounding local context with regards to the pattern and character of development in the area. It would

also result in the loss of a significant protected tree to the detriment of the street scene and visual amenity of the area. As such the application is not considered to accord with the requirements of saved Policy 59.BE of the adopted Local Plan or the Council's 'Quality Places' SPD.

Residential Amenity

37. When considering residential amenity there are two main areas which must be considered, the impact of that proposed upon the amenity of existing neighbouring occupiers and uses, as well as the amenity of future occupiers of the development.
38. While it is acknowledged that there would be some impact to the outlook of the immediate neighbours, in planning terms the proposed scheme would have no unacceptable impact upon their amenity in terms of loss of privacy, light or outlook. However, as has been highlighted above there are concerns with regards to the potential quality of environment created for future occupiers of the development.
39. Subdividing the current site into three plots has resulted in rather long and narrow footprints. This has not been helped by the incorporation of integral double garages or the desire to provide dwellings with up to five bedrooms. This has resulted in bedrooms being centrally located, meaning that their outlook is of the flank wall of the neighbouring dwelling. Other examples are where the first floor layout of Plot 3 does not take advantage of view out to the street. While not a reason to refuse the application it does highlight the lack of thought as to how the internal layout of the proposed dwellings could respond to the site constraints.
40. Other amenity concerns relate to how usable the external amenity spaces would be. While the present dwelling does have a number of sizable trees within its plot which do shade large sections of its garden, it does have the advantage of having much more space than those proposed, meaning that there are still considerable open areas which provide light to the dwelling and its garden. That would not necessarily be the case for the scheme proposed, particularly for Plot 3, where much of its garden and the house itself would be shaded by large protected trees.
41. Notwithstanding these concerns, they are not sufficient to warrant a reason for refusal in this instance. However, they do again highlight the lack of thought as to the quality of the resulting development and how it addresses and responds to the site and surrounding context.

Trees and Biodiversity

42. As highlighted above, the proposed development would require the removal of a mature Oak on the north-eastern boundary with No.39 Kingsway which is protected by a preservation order. Despite this tree having undergone a significant crown reduction in the past, it has responded well and continues to grow, and appears to be in good health, good vigour, good vitality and with no

obvious pests or diseases. While not the most prominent tree within the street scene, it can still easily be seen from the street and provides a significant contribution to the sylvan nature of the area. As such its removal would have a detrimental impact upon the character and appearance of the area, contrary to saved Policy 59.BE of the adopted Local Plan. The loss of this tree is a recommended reason for refusal.

43. While the application site has no specific nature conservation designations applicable to it, concerns have been raised by the Borough's Biodiversity Officer that insufficient information has been provided to demonstrate that the proposed development will not result in harm to water quality further downstream when considered in combination with other developments. Concern has also been raised that the submitted ecology survey identifies that the site has the potential for bat roosts but that no follow up surveys have been undertaken to fully establish if this is the case. Being protected species the LPA need to be sure that if approved the development will not result in harm to bats or that suitable mitigation measures can be put in place. This lack of evidence will form a further reason for refusal being contrary to saved Policy 25.NC of the adopted Local Plan.

Flooding

44. The application site lies within Flood Zones 2 & 3, areas identified as having a high potential for flooding. It is a requirement for any application relating to new dwellings within these flood zones for a Flood Risk Assessment (FRA) to be submitted. That submitted has been reviewed by the Environment Agency who have raised an objection on the grounds that the FRA does not meet the necessary technical requirements, in that it does not take into account the impacts of climate change, how people would be kept safe in the event of a flood, whether the proposed floor levels would be sufficient to protect the properties, and how the scheme would prevent flooding elsewhere through ensuring that flood storage is not lost.
45. Saved Policies 41.ES and 42.ES requires any development which may affect a watercourse to have no adverse impact in terms of drainage and flood water storage. Saved Policy 43.ES requires applications for development which may be affected by flooding to demonstrate that the site is adequately defended from flooding, that measures incorporated into the scheme would prevent danger to life and damage to property, and that the integrity of the flood defence structure is maintained and will not result in flooding elsewhere. Based on that submitted, the application has not demonstrated that any of these requirements would be met. As such this will form one of the recommended reasons for refusal.

Parking, Traffic and Highway Matters

46. The application site is situated close to Merdon Junior School and this part of Kingsway is used by parents to park when dropping off and picking up their children. Concerns have been raised that further dwellings and the creation of

an additional vehicular access will result in highway safety issues and further parking problems within Kingsway.

47. With regards to parking, the three dwellings proposed can each accommodate the three spaces required by the Council's 'Residential Parking Standards' SPD, as well as provide sufficient turning space on site. Parking provision could not therefore be used as a reason for refusal.
48. The creation of a new access onto Kingsway does not in itself require planning permission, although consent would need to be obtained from Hampshire County Council in their capacity as the Local Highways Authority. This proposed new access has been reviewed by highway engineers and no objection to its position or in relation to highway safety has been raised. Equally no concern with regards to increased vehicle movements has been raised.
49. While the concerns of those commenting are noted, the development is considered to be acceptable in respect to parking provision, the new access, traffic movements and highway safety, none of which could be used as a reason to refuse the application.

Environmental Sustainability

50. The Council's 'Environmentally Sustainable Development' SPD requires all new dwellings to meet a minimum of code level 4 of the Code for Sustainable Homes together with a number of other mandatory requirements on water and energy conservation. However, the code has now been revoked with the intention that these requirements will be assessed by Building Regulations. Notwithstanding this, it is Council policy that any new dwellings must meet the equivalent of Code Level 4 with regards to water and energy conservation. This could be secured via a planning condition.

Planning Obligations/Considerations

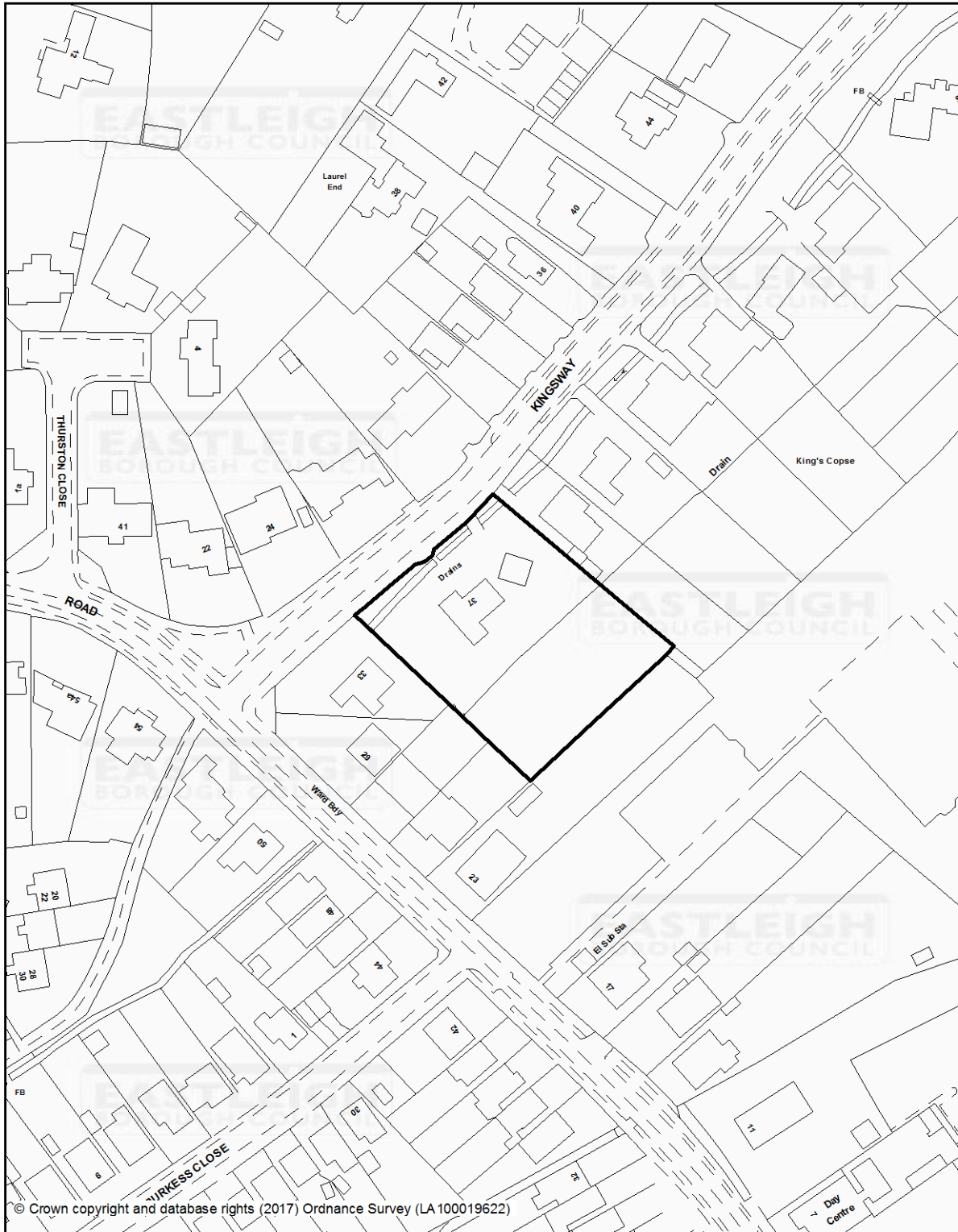
51. The changes to the National Planning Practice Guidance (NPPG) have increased the threshold for when tariff based planning obligations can be required by new development. This means that developments of ten units or less (and which have a maximum combined floor space of no more than 1000 square metres) 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.

Other material considerations

52. Also of relevance is the 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.

Conclusion

53. While the basic principle of developing and potentially subdividing the plot is acceptable in planning policy terms, it is considered that the development proposed does not sufficiently take into account site constraints and would result in unacceptable harm to the visual amenity and character of the area through loss of a protected trees, as well as not sufficiently following the established pattern of development in the area. In addition to this, it has not been demonstrated that the development will be sufficiently protected from flooding or that it would not result in unacceptable harm to biodiversity. As such the application is recommended for refusal for the reasons set out above.



**Development
Management**

Title:

F/17/79881

37 Kingsway

Scale:

1:1250

Map Ref.

SU4321SE

Date:

29/08/2017

