

HEWEB – Hedge End, West End and Botley Local Area Committee Monday 17 June 2019.

**Application Number:** F/19/84848  
**Case Officer:** Rosie Rivers  
**Received Date:** Thursday 24 January 2019  
**Site Address:** Open space at Midlands Estate, West End, SO30 3AD  
**Applicant:** Ian Austin  
**Proposal:** Construction of 2no. laybys to accommodate 12no. car parking spaces on existing open space, with associated landscaping.

**Recommendation:** PERMIT

### **CONDITIONS AND REASONS**

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: EEC017899/P/001, EEC01789/P/002 Rev A, EC/01789/004, HCC10/C/045 Rev A

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 The materials to be used must match as closely as possible, in type, colour and texture those listed in Section 7 of the application form.

Reason: To ensure a satisfactory visual relationship of the new development to the existing.

- 4 The proposed development hereby approved shall not be brought into first use until an appropriate TRO has been implemented at the junction of Midlands Estate to ensure that the visibility splays for the proposed parking area are maintained.

Reason: In the interest of highway safety.

- 5 Within one month of the commencement of development a landscaping scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall cover the soft landscaping and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity of the locality.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (February 2019), 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.

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Report:

This application has been referred to Committee because the application has been submitted by the Council.

### **Description of Application**

1. The application proposes the construction of two laybys to accommodate 12 car parking spaces. The larger bay would contain 9 parking spaces with a space for vegetation positioned in the centre of the layby. The smaller layby would contain three parking spaces. Additional trees are proposed on the grass verge.

### **Site Characteristics**

2. The site consists of the grass verges for the housing estate. The properties in the surrounding area generally consist of two storey semi-detached dwellings and semi-detached bungalows. The properties surrounding the application site generally do not have onsite parking.

### **Relevant Planning History**

3. None

### **Representations Received**

4. 1 letter has been received raising concerns regarding access to the existing dwelling and access across the green.

### **Consultation Responses**

5. County Highway Authority: No objection subject to the TRO's being implemented as shown on the submitted plans to ensure the visibility splays are retained.
6. West End Parish Council: No objection

### **Policy Context: Designation Applicable to Site**

- Within Built-up Area Boundary
- Within Established Residential Area

- Public open space
- Part of the site is within Flood Zone 2 and 3
- Hedge End, West End and Botley Character Appraisal Area – HEWEB

### **Legislative provisions, development plan saved policies, emerging local plan policies, SPD's and National planning policy**

#### Legislative provisions:

7. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

#### The Development Plan

8. At the current time the Development Plan for the Borough comprises the Saved Policies within the Eastleigh Borough Local Plan Review (2001-2011) and the Hampshire Minerals and Waste Plan (October 2013). The policies contained within the latter are not considered to be applicable to the particular development proposed as part of this application.

#### The Eastleigh Borough Local Plan Review 2001-2011

9. The Eastleigh Borough Local Plan Review 2001-2011 (the adopted Local Plan) was adopted in May 2006. In November 2008, the Council submitted a list of proposed Saved Policies to the Secretary of State with a request that they be saved until they could be replaced by a new Local Development Framework. The following policies were saved and are considered to be of relevance to the development proposals: Saved policy 59.BE (promoting good design), 145.OS (Protection of existing open space)

### **Emerging Local Plan Policies**

#### Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014:

10. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

#### The Emerging Eastleigh Borough Local Plan 2016-2036, October 2018:

11. The October 2018 Local Plan was submitted to the Secretary of State on 31<sup>st</sup> October 2018 with examination hearings scheduled to take place in the autumn between September and November. Given the status of the emerging plan it is considered that limited weight can be attributed to it, but it

is a material planning consideration.

12. The relevant policies of both the 2011-2029 and 2016-2036 plans essentially echo the requirements of those of the adopted local plan as listed above and are not therefore considered to effect the recommendation put forward.

### **Supplementary Planning Documents**

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

### **National Planning Policy**

13. At a national level, The National Planning Policy Framework 2019 (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Practice Guidance provides additional guidance in support of the Framework and should be afforded weight in the consideration of planning applications.

### **Assessment of Proposal**

#### **Principle**

14. The site is located within the urban edge where the principle of development is considered to be acceptable subject to the design and impact of the proposal in accordance with the relevant Local Plan policies and supplementary planning documents.
15. 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. 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.
16. Policy 145.OS states that the Borough Council will refuse any proposals that would result in the loss of land currently used for children's play, sport pitches, open space or outdoor sports, whether in public or private ownership unless:
  - I. the proposed development is ancillary to the principal use of the site and does not adversely affect the quality and quantity of pitches and their use; or
  - II. the proposed development only affects land which is incapable of forming, or forming part of, a playing pitch; or
  - III. the open space that would be lost as a result of the proposed development would be replaced by open space of equivalent or better

- quality and quantity in a suitable location, prior to the commencement of the development; or
- IV. the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the detriment caused by the loss of the playing field; or
  - V. in the case of school playing fields, the land is surplus to educational requirements and there is no local shortage of open space in the locality, for which the land could reasonably be used.

### **Layout, design and impact on the character of the area**

17. The application site consists of the green verge which is positioned to the south east of properties no.11 to 14 and to the north west of property no.65. The larger green verge (to the south east of properties no.11 to 14) is allocated as public open space.
18. The application is supported by a planning statement which explains that there are significant parking issues in the area which has led to vehicles parking on the grass verges and disturbing the surface of this area of the estate. These vehicles have also created access issues for other vehicles and pedestrians and vehicles have been parked inappropriately on the corner of the road raising concerns about highway safety. The statement explains that following the complaints that have been received a meeting was held between the local residents and the Council to try to resolve the issues. The suggestion for a formal parking area on the grass verge was agreed at the meeting.
19. It is noted that the properties in close proximity to the grass verges have little or no parking provision on site. It was also noted on the officer's site visit that a number of cars were parked on the road surrounding the grass verges. It is therefore noted that there is a lack of parking for a number of properties within this part of Midlands Estate. It is acknowledged that the proposal would diminish the grass verge and open space to allow for the proposed car parking. The use of a grass verge and open space for additional parking would not normally be considered to be acceptable. However, it is noted that there are a number of properties within this area with no parking which has resulted in on street parking around and on the verge. The proposal would result in loss of part of the green verge and open space however, a significant portion of the verge and green space would be maintained and the proposal would help to prevent ad hoc parking on the grass verge and help to prevent cars parking on the corner of the road. The spaces would be interspersed by vegetation and more planting is proposed on the verge to maintain the green appearance of the open space.
20. The larger grass verge is allocated as public open space. Policy 145.OS resists the loss of public open space unless it is for a set number of reasons. The proposed open space consists of the grass which slopes down to the road. There is no formal children's play area or pitch on the verge and due to the sloping nature of the verge it is considered that it has limited function as a formal amenity area. Whilst it is acknowledged that the parking area would result in the loss of some of the open space, it is considered that due to the

minimal size of the space that would be lost to car parking and the limited function of the amenity area the proposal would not affect the quality of the open space provided and therefore on balance the proposal is not considered to conflict with Policy 145.OS of the Local Plan.

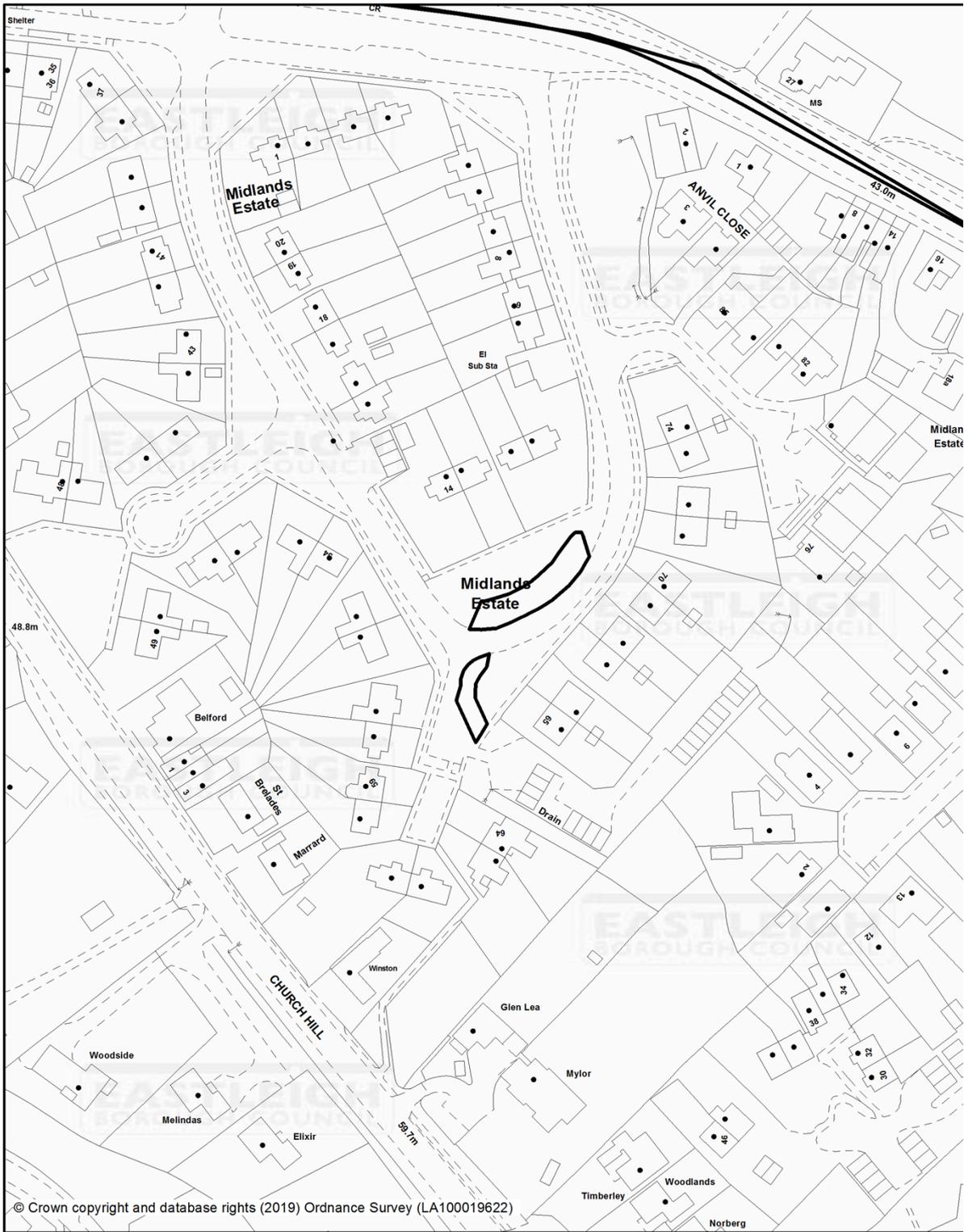
21. The site is located within the Hedge End, West End and Botley Character Appraisal Area. The guidance states that the wide grass verges on the corners should be retained. The proposal has been amended during the course of the application by reducing the number of spaces and additional vegetation is proposed in the large layby to break up the row of parking spaces. It is considered that due to the size of the layby and the level of green space maintained the proposal would not conflict with the guidance objectives provided within the character appraisal SPD.
22. It is therefore considered, on balance, that due to the number of houses with limited or no parking, the significant parking issues and the amount of green verges and open space maintained the proposed development is considered to be acceptable and would not impact on the character or are to an extent that would warrant a reason for refusal.
23. A small area of the site is located within flood zones 2 and 3. Due to the nature of the proposal a flood risk assessment is not required. It is considered that due to the sloping nature of the parking area, any run off would drain into the existing facilities.

#### **Impact on residential amenity**

24. The application proposes to provide parking on the edge of the existing green verge. It is considered as the proposed parking area would be located next to the existing road with cars currently parked alongside the road, the proposed additional parking would not result in additional noise and disturbance to the occupiers of the residential dwellings and therefore the proposal is not considered to cause material harm to the amenities of the neighbouring properties in accordance with Policy 59.BE of the Local Plan.

#### **Conclusion**

25. Whilst the loss of the grass verge and open space would not normally be considered acceptable, it is considered that due to the significant parking issues within the area and level of green open space maintained, on balance, the proposal is not considered to impact on the character of the area to an extent that would warrant a reason for refusal and therefore the proposal is considered to comply with Policies 59.BE and 145.OS of the Local Plan in this case.



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Title:  
**Open space at Midlands Estate,**  
**West End, Southampton**

Scale:  
**1:1250**  
 Map Ref:  
**SU4614SW**  
 Date:  
**05/06/2019**

