

BHH – Bursledon, Hamble and Hound Local Area Committee Thursday 19 December 2019.

Application Number: F/19/86252
Case Officer: Gary Osmond
Received Date: Monday 12 August 2019
Site Address: CHALCOT, YORK ROAD, NETLEY ABBEY,
SOUTHAMPTON, SO31 5DD
Applicant: Mr & Mrs Wilkinson
Proposal: Construction of detached two bedroom dwelling following demolition of existing dwelling and ancillary structures.

Recommendation: REFUSE

CONDITIONS AND REASONS

- 1 The proposed development by virtue of its size, scale, two storey height and appearance, would have an unacceptable impact upon the visual amenity and character of this part of the Netley Abbey Conservation Area in that it would introduce a prominent feature at odds with the prevailing pattern and form of development along the coastline. As such the proposed development is considered to be contrary to saved Policies 59.BE and 169.LB of the adopted Eastleigh Borough Local Plan Review (2010-2011), Policies DM1 and DM12 of the Submitted Eastleigh Borough Local Plan 2016 - 2036 and the Council's 'Quality Places' and 'Netley Abbey Conservation Area Appraisal and Management Proposals' Supplementary Planning Documents.

Note to Applicant: The application was refused following the assessment of the following plans: LP01, ELEV01, Exist.01, FP01, S1, SE01a, SE01b, SE02, SE03a, SE03b, SL01a, SL01b, SS01 Rev B, SS02 Rev A & SS03. 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.

Report:

This application has been referred to Committee because of the level of public comment/interest.

Description of Application

1. The application seeks consent for the construction of a detached two bedroom two storey timber clad dwelling with parking and decked area following demolition of the existing dwelling and its ancillary structures.

Site Characteristics & Character of Locality

2. The application site is a parcel of land set between York/Manchester Roads and the cliff edge, being approximately 20 metres deep and between 14 and 11 metres wide. The site is generally flat and level except where the cliff falls away to the beach below. Presently the site accommodates a modest timber cabin with a footprint of 18 square metres (6.7 x 2.7 metres) and 2.8 metres high to its low pitched roof ridge. This sits towards the front of the site parallel with the road. Next to it sits a detached flat roof single garage of concrete sectional construction, together with a couple of small timber sheds to the rear within a garden space.
3. The site is well screened by trees and undergrowth with a good size Oak to the site frontage between the cabin and garage being of particular note. This Oak is one of a number of large deciduous trees which surround the site and form part of a prominent group of trees along the cliff top. These groups of trees are a strong characteristic of the Netley shoreline and the Netley Abbey Conservation Area of which it forms a part. Whilst all trees within a conservation area are protected by virtue of being within the conservation area, the Oak and Beech to the northern side of the site are subject to a specific Tree Preservation Order.
4. Due to its rather overgrown nature, the boundaries of the site are not clearly defined. This overgrown appearance is in quite stark contrast to the well-maintained and more open appearance of the neighbouring 'garden' sites, which have open views out towards Southampton Water. Notwithstanding the dense planting around the site boundaries, which generally obscures the structures upon it, this is not to the detriment of the conservation area as it adds to the strong characteristic of glimpsed views towards the water between and through groups of trees along the cliff edge.
5. York and Manchester Roads are private streets which serve a mixture of residential properties from original two storey red brick Victorian villas to 1960s/70s three storey flat blocks. The streets form part of a quieter and more private residential area between Victoria Road and the shoreline, with development on the opposite side of Victoria Road being denser and more built up.

Relevant Planning History

6. There is no record of any formal planning history relating to the site, however, the site has been in residential use for some time with Council Tax regularly being paid up until last year when the site was sold to the applicant. The garage structure is shown on Ordinance Survey maps dating from the 1980s and the cabin shown on current maps, although it does appear that the cabin structure has been in situ for a considerable amount of time, most likely from the early 1970s according to comments from local residents. There also appears to be evidence of previous structures on the site including a cast iron soil pipe around which a Oak trees has grown, as well as talk of it being used as a look out point during the Second World War.

Representations Received

7. A total of 15 representations have been received all objecting to the application proposals for the following reasons:
- Development is within a conservation area.
 - Would result in the loss of trees and/or works which would substantially alter their appearance.
 - Impact upon wildlife.
 - Damage to the cliff causing further erosion.
 - Proposal is double the height of the current structures.
 - Proposal would be visually intrusive.
 - Would be out of keeping with surrounding Victorian buildings.
 - Would be out of keeping with the garden character of the cliff top.
 - Would push beyond the existing building line.
 - Existing property has never been used as a permanent residence.
 - Impact on existing services.
 - Would only be used as a holiday home.
 - Could set a precedent for similar proposals along the cliff top.
 - Site is accessed via a private road which could be damaged during construction.
 - Could impact upon access to adjacent private right of way to the beach, 'Murray's Way'.
 - Limited parking provided.
 - Overdevelopment.
 - Disturbance during construction.
 - Nowhere for contractors to park or store materials.
 - Loss of privacy.
 - Loss of view.
 - Loss of light.
 - Devaluation of neighbouring properties.
 - Would block television signal.

Consultation Responses

8. **Council's Heritage Consultant** – "Currently more of a beach hut than a proper dwelling but still enough to live in, albeit sub-standard by today's criteria, one hardly notices the structure due to a combination of the low profile and verdant growth, including the large trees which are a significant landscape feature in this part of the Netley Abbey Conservation Area. The prefabricated garage in particular which is also on the site, does nothing for the character of the area and its removal will be a positive benefit. The blocks of flats on the inland side of York Road, likewise unfortunately, do not make a positive contribution to the conservation area.
9. Sea Defences
One notices there is no mention of these being reinforced at this time. The photos from the sea show a clean cliff face to this plot, which is just past the end of the defences to the east. This suggests erosion is still taking place and

there appears to be evidence of a previous defensive mechanism trashed at the foot of the cliff. When there are no structures on site between demolition and construction would it not be the ideal time to extend the gabion defence structure at the cliff base along to the western boundary from site as I believe it will be the owner's responsibility to protect it for the building's safety.

10. The proposal

Until one looks at all the documents for this application, one's initial reaction is that a two storey structure in this position will severely compromise the outlook of some of the existing flats to the land side of York Road; however the quantity of vegetation and the existing dwelling combine to prevent a view through for this length of the road.

11. The proposal is for a similar type of cladding to the existing but in a two storey format and overall narrower on the site. All the land facing elevations have minimal glazing with the seaward one virtually entirely glazed. With non-reflecting glass and careful use of lighting it will be no match for the cruise ships constantly traversing Southampton Water and not intrude on anyone's privacy.

12. It will be facing due south-west directly into the face of the prevailing winds and the anger of the sea nibbling at the cliff face probably less than eight metres distant. This is close and while the piling will give greater life than traditional foundations there is still a risk that does not appear to have been quantified or resolved. Inclusion of sea defences in this application would mean it is in place should the work suddenly be needed in future (assuming it is not to be included now).

13. Conclusion

With the flat roofed form similar to the flats opposite and the cladding very similar to the traditional existing, this modern interpretation shrouded by the mature trees either side will be a positive contribution to the built form of this waterfront edge of the conservation area. No objection."

14. **Winchester and Eastleigh Design Review Panel** – "The Panel welcomed the explanation of the design process to date which demonstrated that considerable thought has gone into producing the scheme presented. In fact it was considered that the earlier versions of the scheme which extended across the full width of the site were perhaps more confident in their approach. However, it was acknowledged that reducing the width of the dwelling does open up other potential opportunities and would lessen impact upon the neighbouring trees which are a significant site constraint.

15. In amending the scheme the strong elements of its original design have been somewhat watered down, making them less effective to the overall design and less clear in their purpose. However, the reduction in the scale of the proposal, particularly when viewed from the street does present other opportunities. Whilst it was considered that replication of the previous strong design elements of the original designs would be too much for the smaller scale of the latest version presented, it was felt that there was scope to rationalise and simplify the current design even further. This rationalisation could be distilled even

further to such a stage that the dwelling becomes a simple timber box with a single glazed wall.

16. Further simplification of the design should also include the materials used. It was the Panel's view that the zinc 'frame' on the water side of the building was unnecessary and that the form of the building alone would be strong enough to provide an appropriate face to Southampton Water. There was no objection to the proposed use of charred larch cladding provided junctions and window/door openings are well detailed. Other important areas of detailing to consider is how the building would sit upon the proposed ground piles. Should these be hidden under the building or visibly expressed? Should the building be seen to touch the ground or appear to float above it? It was also suggested that the rear terrace/deck discussed should be shown on the drawings and visuals, as this could significantly alter the appearance of the building and would be an important element of the final design.
17. It was felt that the proposed scheme has the potential to be a high quality design which would enhance this part of the conservation area. However, the success of the scheme will be highly dependent upon the final detailing of materials and whether the building can comfortably sit under the crown spread of the adjacent trees without the need for significant tree works. It will also be necessary to ensure that a suitable engineering solution can be achieved to site the building so close to the cliff edge without resulting in harm to trees or which would result in further erosion of the cliff face."
18. **Council Tree Officer** – "The site is significantly wooded, with several oaks and an understorey of holly. Immediately to either side of the site, there are further mature trees of both beech and oak. Whilst some of the trees are not in optimum individual condition, the trees have grown in a harsh environment and have been influenced by the weather coming from Southampton Water. The result is, therefore, a cohesive, characterful group of trees, which dominate the site. There are other similar copses of mature trees in either direction along the coast. The group provides significant public visual amenity and private views.
19. The submitted report is a significant step from previous arboricultural proposals. In general I am satisfied that the arboricultural proposals (outlined in the above document) are sufficient to protect the amenity of the site.
20. Services - the report proposes that no new sub-surface services are installed and this is critical to avoid damage to roots.
21. Foundation method - the report suggests the use of a suspended floor slab. This is satisfactory, but details do not appear to be contained within the case files and these would be required. Further, formal plans of the water diversion system must be submitted as per the suggestion contained within the report, pre-commencement.
22. Supervision - a significant and extraordinary amount of supervision will be required during construction in order to protect the retained trees from accidental damage. We would request a detailed supervision timetable, pre-

commencement, and an agreed process and timetable for supervision report submissions.

23. Tree replacement - With the loss of T2, the report suggest that it can be replaced. We would like to see tree replacement plan, pre-commencement.
24. Avoidance of nuisances from the tree - We would like to see more formal plans of how to avoid minor issues, such as blocked gutters, and tree maintenance. The report makes suggestions, but we would require a more formal plan of action.
25. If the above can be supplied, and along with adherence to the arboricultural report, we raise no arboricultural objection to the proposed development, subject to conditions:"
26. **Council Ecologist** – The provision of a wildlife area running along the cliff edge is welcome. However, given the rate of cliff erosion it is recommend that this is increased from 1.5 metres to 5.0 metres. This will have greater benefit for wildlife and help to protect existing habitat and species which use the cliff, such as bees and nesting birds. It is also recommended that the side boundaries are planted up with native hedge species, suitable for the coastal climate, as well as the provision of nesting boxes within the eaves of the building.
27. Drainage should not be discharged into the ground or directed over the cliff onto the beach without being appropriately treated so as not to damage sensitive shoreline habitat.
28. **Natural England** – No formal comments to the planning application were received. However, advice was given at pre-application stage highlighting the need to ensure protection of the neighbouring Solent & Southampton Water Special Protection Area (SPA) & Ramsar and the Lee on the Solent to Itchen Estuary SSSI through ensuring appropriate controls during the construction stage in relation to piling and the submission of a Construction Environment Management Plan (CEMP) to be agreed prior to works commencing. It was also advised that Natural England standing advice in relation to protected species be followed.
29. **Environment Agency** – No objection.
30. **Ministry of Defence** – No comments received.
31. **Hound Parish Council** – Object on grounds of overdevelopment of the site. It sets a dangerous precedent for further development nearer to the shore line. The dwelling is in front of the building line with inadequate parking on the site. Environmental impact on tree roots within the location with the sinking piles and the erosion of the cliff face. Concerns were raised over the burrowing bees in the cliff and the lack of sea defences. Also, the visual impact from Southampton Water and that the proposed building may not be insurable.

Policy Context: Designation Applicable to Site

- Within Built-up Area Boundary
- Within Established Residential Area
- Within Designated Conservation Area – Netley Abbey
- Adjacent to Special Protection Area & Ramsar – Solent and Southampton Water
- Adjacent to Site of Special Scientific Interest – Lee-on-the-Solent to Itchen Estuary
- SINCC – Netley to Hamble Shore

Development Plan Saved Policies and Emerging Local Plan Policies

32. Eastleigh Borough Local Plan Review (2001-2011) saved Policies:

- 20.CO – Landscape Improvements
- 22.NC – Sites of Special Scientific Interest
- 23.NC – Sites of Importance for Nature Conservation
- 25.NC – Biodiversity
- 26.NC – Biodiversity Enhancement
- 28.ES – Waste Collection and Recycling
- 32.ES – Pollution Control
- 34.ES – Energy and Climate Change
- 36.ES – Lighting
- 40.ES – Southampton Water and River Hamble Estuary
- 45.ES – Sustainable Drainage
- 59.BE – Promoting Good Design
- 104.T – Parking
- 169.LB – Conservation Areas
- 170.LB – Demolition in Conservation Areas
- 171.LB – Setting of Development in Conservation Areas

33. Submitted Eastleigh Borough Local Plan 2011 2029, July 2014

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.

34. Submitted Eastleigh Borough Local Plan 2016 2036

The Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination started on 21st November 2019. The adoption of the Local Plan is anticipated in Summer 2020. Given the status of the Emerging Plan, it is considered that overall moderate weight can be attributed to it.

35. Supplementary Planning Documents

- Supplementary Planning Document: Quality Places (November 2011)
- Supplementary Planning Document: Netley Abbey Conservation Area Appraisal and Management Proposals (January 2010)

- Supplementary Planning Document: Residential Parking Standards (January 2009)
- Supplementary Planning Document: Environmentally Sustainable Development (March 2009)
- Supplementary Planning Document: Planning Obligations (July 2008, updated 2010)
- Supplementary Planning Document: Biodiversity (December 2009)

National Planning Policy Framework

36. 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.

National Planning Practice Guidance

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

Policy Commentary

38. 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 form, layout and design of that proposed; its impact upon the street scene and character of the surrounding Netley Abbey Conservation Area; impact upon trees; nature conservation and biodiversity; environmental sustainability; parking and highway issues; and the impact upon the amenity of neighbouring properties.

Comment on Consultation Responses and Representations Received

39. Responses to the majority of planning related comments made are given below. However, a number of other issues have been highlighted:

- Existing property has never been used as a permanent residence: - For planning purposes this makes little difference to the acceptability or otherwise of replacing the existing dwelling. Whilst there does not appear to be a record of any planning approval having been granted for the existing structures on site, this is not unusual given their age. It also appears that

the site has been use for residential purposes in excess of ten years and that Council Tax has been regularly paid, meaning that for planning purposes the site has an established residential use.

- Would only be used as a holiday home: - As discussed above, whether the proposed dwelling is used as a permanent residence or holiday home makes little difference in planning.
- Could set a precedent for similar proposals along the cliff top: - Whilst a not unreasonable concern, this cannot be used as a reason to consider refusal of a planning application. Any applications received for a similar proposal would be assessed on its individual merits.
- Site is accessed via a private road which could be damaged during construction: - This would be a civil matter for the applicant to discuss with the relevant land owners.
- Could impact upon access to adjacent private right of way to the beach, 'Murray's Way': - Again this is a civil matter between the relevant land owners.
- Devaluation of neighbouring properties: - Whilst acknowledging that planning decisions can affect property values both up and down, this is not a material planning consideration and cannot be used to influence any planning decision.
- Would block television signal: - There is no evidence to suggest that this would be the case and is not a material planning consideration.

Assessment of Proposal: Development Plan and / or Legislative Background

40. Section 70(2) of the Town and Country Planning Act 1990 and 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."

41. The site also lies within a Conservation Area and Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

42. In this case policy issues for consideration include:

Policy & Principle

43. The site lies within the urban edge where the basic principle of development is acceptable. The site also lies within the Netley Abbey Conservation Area, where again the basic principle of development is acceptable but where there is a higher threshold for the quality of development considered appropriate. In simple planning principle terms therefore, the development or replacement of the existing property, 'Chalcot', is acceptable. However, any formal planning approval will be based on the design and impact of that proposed and whether it is considered to accord with the relevant saved policies of the adopted Eastleigh Borough Local Plan Review (2001-2011), and to a lesser extent, the Submitted Eastleigh Borough Local Plan 2016-2036. The relevant saved policies of the adopted plan and supplementary planning documents are set out in more detail below.
44. The site has a number of significant policy and physical constraints which will need to be appropriately addressed and responded to if any development is to be successful.
45. As set out above, the site lies within the Netley Abbey Conservation Area where saved Policy 169.LB of the adopted Local Plan applies. This policy requires any development within or affecting the setting of a designated conservation area to preserve or enhance the character or appearance of the conservation area or its setting, to not detract from the character of the area or street, be appropriate in terms of its mass, scale, design and materials, and to be sympathetic to existing buildings and the particular character of the area.
46. Also of relevance to the conservation area status of the site are saved Policies 170.LB and 171.LB. Saved Policy 170.LB states that demolition will not be permitted unless it can be shown that the building is wholly beyond repair, or incapable of beneficial use and that its removal or replacement would enhance the appearance of the area, or that its demolition is essential to allow an approved scheme which would enhance the character or appearance of the conservation area to go ahead. It is accepted that the existing structures on site are in need of some improvement, although it is unclear at this point if they are "wholly beyond repair". Notwithstanding this, their removal would very likely help to enhance the character and appearance of the conservation area.
47. Saved Policy 171.LB relates to the setting of buildings with a conservation area. This states that "Applications for development which affect important townscape or landscape features in conservation areas will only be permitted where the qualities of those features are retained." This is of particular relevance in this instance given the prominence and importance of those trees both on and immediately adjacent to the site, and the identification of this stretch of shoreline for landscape improvements as shown on the proposals map and covered by saved Policy 20.CO of the adopted Local Plan.
48. Encompassing all this is saved Policy 59.BE 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.

49. A further significant site constraint is its very close proximity to the shoreline which is covered by a number of nature conservation designations (SINC, SSSI, SPA & Ramsar). As such it would need to be demonstrated that any redevelopment of the site would not result in unacceptable harm to these important designations and habitat, particularly from construction, drainage and any associated sea defence works.

Form, Layout & Design

50. As an individual piece of architecture that proposed has promise, although further refinement of the design is likely still required, as highlighted by the Design Review Panel response. The scale of that proposed has been reduced from its original pre-application size and its form has been simplified, albeit remains at two stories. This refinement of form could be progressed further to result in an even simpler timber clad box with one principal window looking out towards Southampton Water. Not only would the materials reflect those of the existing cabin, it would also express the idea of the site's former use as a lookout post.
51. In terms of the site layout, this version of the scheme has been reduced in width, thereby allowing more room for soft boundary planting to be retained and dedicated parking spaces to the side of the building. In reducing the width of the building, the depth of its footprint has been increased, bringing it closer to the cliff edge, and likely closer still if a deck/terrace is also included as has been suggested in discussions. Not only would this further squeeze the margin available for wildlife purposes at the edge of the cliff but also likely result in engineering works closer to the cliff edge, raising concerns for its stability. However, it is likely that there is an appropriate engineering solution which would limit possible impact, with screw piles being considered. These piles would not only minimise vibration and ground pressure on the delicate sand cliff but also help to minimise damage to the roots of those trees on and adjacent to the site. This system would also make it possible for the building to be constructed from a 'floating' ground floor framework fixed to the tops of the piles. This would mean that there would be no need for extensive ground works or foundations.

Street Scene & Area Character

52. The application site sits within 'Area 9' of the Character Analysis section of the 'Netley Abbey Conservation Area Appraisal and Management Proposals' Supplementary Planning Document (SPD), which was adopted in January 2010. This covers the area between Victoria Road and the shoreline and "is an area of distinctive villa type houses set in generous gardens that can accommodate mature trees. The houses are substantial Victorian brick built

villas with slate roofs served by two unadopted private roads – Manchester Road and York Road. To maintain this character sub-division or extension of houses needs to be avoided” (para. 3.36).

53. Within the Management Proposals section of this SPD it goes onto state, “New development should follow existing plot ratios, with modestly sized properties in spacious plots. New development should be in accord with the prevailing form of historic development, including the relationship of buildings to the street. New development should not impinge on the setting of existing buildings. New development should use materials which are traditional to the conservation area and be of high quality (the use of uPVC, aluminium, concrete tiles or other non-traditional materials is not considered appropriate). New development should protect important trees, hedges and other established boundaries” (para. 4.11)
54. Whilst it is accepted that Chalcot has been in situ for a considerable number of years, it is somewhat of an anomaly when looking at the prevailing pattern and character of development along this stretch of the coastline. All development between Beach Lane to the north and Malmesbury Court to the south, is set well back from the cliff/shore edge – even the recent developments off Beach Lane – and follows a clear ‘building line’, with nothing other than Chalcot sitting in front of it. This set back provides a soft transition between the shore and built development. At present Chalcot and its associated structures have a minimal impact upon the appearance and character of the conservation area, principally due to the very modest single storey nature of the structures, as well as the slightly overgrown boundary planting making it difficult to see. The construction of anything greater in height and footprint will have a considerable impact upon the immediate area’s character, particularly when viewed from the water which is perhaps a more open aspect than when viewed from the land. This soft transition between the shore and built development has allowed for significant trees to grow along the cliff edge, further softening the transition. These groups and lines of trees are the most prominent feature when viewing Netley from the water and form an important part of the coastline along the northern side of Southampton Water all the way from Hamble up to Weston Shore. They also help to soften the impact and visual prominence of built development when viewed from the water.
55. Whilst it is acknowledged that there is an intention to retain trees and boundary planting, there will inevitably be a requirement to remove or thin out a considerable amount of undergrowth and planting, as well as undertake tree works to give sufficient clearance for the two storey building proposed. This thinning of the existing planting would not only result in opening up the site but also making any structures upon it much more visible. Whilst this may not be such an issue in terms of impact upon the conservation area with the existing timber cabin on site due to its modest size and single storey form, the two storey height, significantly larger bulk and scale of that proposed would be clearly noticeable and appear as somewhat of an awkward anomaly so close to the cliff edge and well forward of the established building line. It is this failure to respect the existing pattern of development together the striking contemporary appearance of that proposed, which would further add to its visibility, which is

of concern, in that it will have an adverse impact upon the character and setting of this part of the conservation area contrary to saved Policy 169.LB of the adopted Local Plan, which requires any development within or affecting the setting of a designated conservation area to preserve or enhance the character or appearance of the conservation area or its setting, to not detract from the character of the area or street, be appropriate in terms of its mass, scale, design and materials, and to be sympathetic to existing buildings and the particular character of the area. It would also fail to follow the guidance set out in the 'Netley Abbey Conservation Area Appraisal and Management Proposals' SPD in that it would not "follow existing plot ratios, with modestly sized properties in spacious plots" and that "New development should be in accord with the prevailing form of historic development, including the relationship of buildings to the street."

Trees

56. Any development which requires the loss or prejudices the health or long term viability of trees within a conservation area, or which would have a negative impact upon the visual amenity and character of the conservation area would be contrary to saved Policies 20.CO, 59.BE, 169.LB and 171.LB of the adopted Local Plan and the Netley Abbey Conservation Area SPD. As has been discussed above, trees along the cliff top are a very important part of the conservation area's character and that of this stretch of coastline. The potential impact upon the trees on and adjacent to the site has been a significant concern, both in terms of construction of the dwelling and the likely future pressure for unnecessary works or even felling of trees due to the impact of shading, leaf drop, etc. In order to address these concerns a detailed arboricultural impact assessment and method statement has been submitted in support of the planning application. This has been reviewed by the Borough's Tree Officer who is satisfied that provided appropriate protection measures and construction techniques are used, it would be technically possible to construct the proposed dwelling without resulting in undue harm to these important trees. Whilst some specific construction details and future management proposals are likely to be required before any works on site commenced, these could be secured via planning conditions.

Nature Conservation & Biodiversity

57. An ecological appraisal has been submitted in support of the planning application which has been reviewed by the Borough's Ecologist. Whilst the recommendations of this appraisal are broadly welcomed, it is considered that more could be done to protect and enhance the important cliff edge habitat by widening the proposed habitat corridor and introducing more native planting suitable for the harsh coastal environment. There will also be a requirement to ensure that the sensitive shoreline habitat, which is subject to a number of nature conservation designations, is protected during the course of demolition and construction works, as well as ensuring that drainage for the site is appropriately dealt with and not directed over cliff edge onto the shoreline. The details of all these measures could be secured via suitable planning conditions.

Environmental Sustainability

58. 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.

Parking & Highway Issues

59. Parking and damage to York and Manchester Roads have been raised as a concern by those commenting on the application. With regards to parking, it is intended that two on-site spaces would be provided, one on the floor slab of the existing garage which would be removed to the side of the dwelling and a further space to the other side of the dwelling. This would meet the requirements of the Council's 'Residential Parking Standards' SPD for a two bedroom dwelling. It should also ensure that there would be no need for vehicles to park on the street thereby maintaining access for neighbouring residents.

60. With regards to damage to York and Manchester Roads, which are private unadopted streets, whilst there is the potential for these roads to be damaged by the movement of heavy goods vehicles and construction plant, this is a civil matter between the applicant and the relevant land owners of the private streets in question. It would be very difficult for the Local Planning Authority to control the use of these streets for access to the site and to insist that any damage caused is repaired. However, the authority would encourage the applicant to enter into discussions with the relevant parties to ensure that an agreement can be reached as to how this matter can be suitably dealt with potentially through a pre and post development condition report. Equally, the applicant would be encouraged to discuss with adjoining land owners how and where deliveries and storage of materials and equipment would be undertaken, as well as where contractors would park during building works.

Amenity

61. Whilst concerns have been raised that the proposed development would result in loss of privacy, light and outlook to existing neighbouring properties, due to the orientation, proximity and relationship of that proposed to neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties. Whilst the concerns with regards to loss of views over Southampton Water are noted, the loss of a private view, as opposed to a loss of outlook, is not a material planning consideration.

62. With regards to the amenity of future occupiers of the proposed development, despite being underneath the crown spread of some sizable trees, sufficient natural light would be available. Equally, usable external amenity space should

just meet the minimum requirement of 60% of the total floor area, albeit this would reduce as the cliff erodes. Notwithstanding this, the open views available over the water would help to mitigate any future loss of external amenity area.

63. As such the application is considered to accord with the amenity requirements of saved Policy 59.BE of the current Local Plan, Policy DM1 of the Submitted Local Plan and the Council's 'Quality Places' SPD.

Planning Obligations / Considerations

64. As a replacement dwelling there would not be a requirement for any form of planning obligations to be secured.

Other Material Considerations

Equalities Implications

65. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

66. It is considered that this application does not raise any equality implications.

Conclusion

67. Whilst in principle replacement of the existing structures on site with a more architecturally pleasing dwelling is acceptable, concerns remain that the size, scale, two storey height and appearance of that proposed would have an unacceptable impact upon the visual amenity and character of this part of the Netley Abbey Conservation Area in that it would introduce an overly prominent feature at odds with the prevailing pattern and form of development along the coastline. As such the proposed development is considered to be contrary to saved Policies 59.BE and 169.LB of the adopted Eastleigh Borough Local Plan Review (2010-2011) and the Council's 'Quality Places' and 'Netley Abbey Conservation Area Appraisal and Management Proposals' SPDs.



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Housing & Development

Title:

F/19/86252

**CHALCOT, YORK ROAD,
NETLEY ABBEY,**

Scale:

1:1250

Map Ref:

SU4508SW

Date:

05/12/2019

