

**Application Number: 19/10945** Full Planning Permission

**Site:** 42 DOWNS PARK AVENUE, ELING, TOTTON SO40 9GX

**Development:** Convert bungalow into two dwellings

**Applicant:** Mr Spanner

**Target Date:** 14/10/2019

**Link to case file:** [view online here](#)

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## **1 SUMMARY OF THE MAIN ISSUES**

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Sections 11 and 12 of this report after which a conclusion on the planning balance is reached.

- 1) Principle of development;
- 2) Impact of development on character and local distinctiveness;
- 3) Impact on amenity of neighbouring properties;
- 4) Impact on highway safety and parking;
- 5) Whether the sub-division creates acceptable units of accommodation;
- 6) Ecological matters.

This matter is before Committee as a contrary view has been expressed by Totton & Eling Town Council.

## **2 THE SITE**

The site is located within the built-up area of Totton. It is currently occupied by a detached 4-bedroom chalet bungalow (previously extended) set in a row of other chalet bungalows/bungalows. Two storey houses are located opposite the site and there are flats elsewhere along Downs Park Avenue.

The site frontage is laid out to parking with a pedestrian pathway leading to the rear garden. The existing amenity space is positioned to the rear of the dwelling with a small outdoor seating area to the side.

## **3 THE PROPOSED DEVELOPMENT**

The proposal seeks permission to sub-divide the existing dwelling to create 2 separate flats. One of the dwellings would be a ground floor flat, the other would have ground and first floor accommodation. This would be achieved by the infilling of an existing internal ground floor doorway and sub-dividing the rear garden area. No external changes are proposed to the building itself. There are 2 existing entrance doors and one would become associated with each individual unit. The parking spaces occupying the site frontage would become 3 shared parking spaces. A vehicle charging point is proposed to be installed.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
14/11171 Two-storey rear extension with Juliet balcony; roof alterations with dormer and 2 rooflights in association with new first floor	10/10/2014	Granted Subject to Conditions	Decided
14/10864 Dormer and roof lights in association with new first floor; two-storey rear extension with Juliet balcony	13/08/2014	Refused	Decided

## 5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality
8. Biodiversity and landscape

#### Policies

CS1: Sustainable development principles

CS2: Design quality

CS10: The spatial strategy

### Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

### The Emerging Local Plan

Policy 1 Achieving sustainable development

Policy 5 Meeting our housing needs

Policy 10 Mitigating the impact of development on International Nature Conservation sites

Policy 13 Design quality and local distinctiveness

### Supplementary Planning Guidance And Documents

SPD - Parking Standards

## 6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

### Relevant Legislation

Town & Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

The Conservation of Habitats and Species Regulations 2017

## **Relevant Advice**

National Planning Policy Framework 2019  
NPPF Ch.2 - Achieving sustainable development  
NPPF Ch. 5 - Delivering a sufficient supply of homes  
NPPF Ch.11 - Making effective use of land including appropriate densities.  
NPPF Ch.12 - Achieving well-designed places

National Planning Practice Guidance  
NPPG - Determining a Planning Application  
NPPG - Design: process and tools  
NPPG - Natural Environment

National Design Guide 2019

## **7 PARISH / TOWN COUNCIL COMMENTS**

### **Totton & Eling Town Council, Civic Centre**

The proposed plans showed the conversion of a detached two storey bungalow style property into two flats, each with two bedrooms. There would have been no change to the exterior of the property and few interior alterations. There were significant concerns about the poor amenity space afforded to the residents of these two flats, in particular the flat located on the ground floor only. The bedrooms and living area were very small and the outlook and interior space very poor, with no outside amenity space for the smaller flat. Parking was a small concern also with a potential increase in street parking. The area was characterised by spacious detached properties with sizable exterior spaces, it was felt that this style of accommodation would be at odds within its setting. Recommended for REFUSAL

## **8 COUNCILLOR COMMENTS**

No comments received

## **9 CONSULTEE COMMENTS**

No comments received

## **10 REPRESENTATIONS RECEIVED**

I comment has been received that the property has already been sub-divided.

## **11 OFFICER COMMENTS**

### **Introduction**

The proposal seeks permission to sub-divide an existing dwelling to create 2 separate residential units with no changes to the external appearance of the building.

### **Relevant Considerations**

The following are considered to be the main issues to be taken into account when determining this application.

### 1) Principle of development

The site is located within the built up area and there is a number of different property types along Downs Park Avenue, including flats. Therefore, the principle of the proposed development is considered acceptable. National planning policy encourages the effective use of land.

### 2) Impact of development on character and local distinctiveness

Externally, there would be no change to the existing dwelling, or the existing parking layout along the site frontage. The sub-division of the garden and erection of means of enclosure (fence and gates) could be carried out without the need for planning permission. The street scene and local character would essentially be unchanged and is considered acceptable.

### 3) Impact on amenity of neighbouring properties

No additional windows are proposed: no overlooking would result.

The existing garden serves a 4 bed dwelling and could be expected to be intensively used as an outdoor family space. It is not considered that the impact of the activity arising from 2 smaller units would be significantly different. The impact on the amenity of neighbouring properties is considered acceptable.

### 4) Impact on highway safety and parking

Three shared parking spaces are shown on the submitted plans. The length of these spaces is slightly sub-standard, however, parking spaces on the frontage of this site are already in existence and in use with a dropped kerb in situ. The adjacent footway has been widened along this stretch of Downs Park Avenue with the previous grassed verge being incorporated such that it measures approx 2.7m wide. It is not considered that any overhang would unduly impinge on the footway available for pedestrian use. In this context, the proposed parking is considered acceptable. Additionally, electric vehicle charging would be installed offering a sustainability improvement at this site.

### 5) Whether the sub-division creates acceptable units of accommodation

Amended floor plans have been received such that the layout of the ground floor flat no longer proposes a 2 bed unit with open plan kitchen/living area; instead a 1-bed unit with living room, bedroom, kitchen diner and bathroom is proposed. Although the layout annotates how each room could be used, there would be no restriction on how future occupiers wished to use the rooms. The total floor area for flat 1 would measure approx 39 sq m and this would equate to that of a 1 bed single storey dwelling set out in the Technical Housing Standards - Nationally Described Space Standards. The floor area associated with flat 2 would measure approx. 74sq m. and would exceed that of a 2-bed 3 person 2-storey dwelling set out in these national standards, which is 70 sqm. This indicates that the space available can accommodate 2 separate units.

Furthermore, amended plans have been received regarding the sub-division of the garden area. The amendment proposes to sub-divide the existing rear garden such that the existing decking area at the northern end would be associated with flat 1. This would involve the demolition of part of the existing

garden building to create an access route. The remainder of the garden area would be associated with flat 2 and could be accessed directly from the existing patio doors in the rear elevation. Each garden would also have independent access via a gate to the side pathway. Although the garden areas would not be equally divided, there would be a reasonable amount of usable space available. The amenity space available for each flat is considered acceptable.

## 6) Ecological matters

### i) Recreational Impact:

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. An informative would be applied to any consent to this effect.

### ii) Nitrate neutrality and impact on the Solent SPA and SACs

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4<sup>th</sup> September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

## Other Case Specific Factors

### Housing

Whilst it has been the case that the Local Planning Authority was not able to demonstrate a 5-year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need that situation has recently changed. The Emerging Local Plan makes provision for housing need throughout the District and addresses the need for housing in sustainable locations. The Emerging Local Plan now carries significant weight in decision making.

### Sub-division already taken place

One comment has been received that the property has already been formally sub-divided. This is not understood to be the case and the application is not seeking retrospective planning permission.

## **12 CONCLUSION ON THE PLANNING BALANCE**

The proposal is considered acceptable with regard to adopted and emerging local planning policy, NPPF, supplementary planning guidance and other material planning considerations.

## **13 OTHER CONSIDERATIONS**

### Crime and Disorder

None.

### Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings) of £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report regarding the sub-division of an existing property, this development has a CIL liability of zero.

Tables setting out all contributions are at the end of this report.

### Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

## 14. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: Dwg no. 01.L.001 pages 1-7 including location plan and Site Plan; Existing Ground Floor Plan and Existing First Floor Plan; existing south west east and north elevations; site layout including garden sub-division; proposed ground floor plan and proposed first floor plan; Proposed south west east and north elevations - Revision B 27th November 2019

Reason: To ensure satisfactory provision of the development.

3. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
  - (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
  - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
  - (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

4. The development hereby permitted shall not be occupied until:

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.



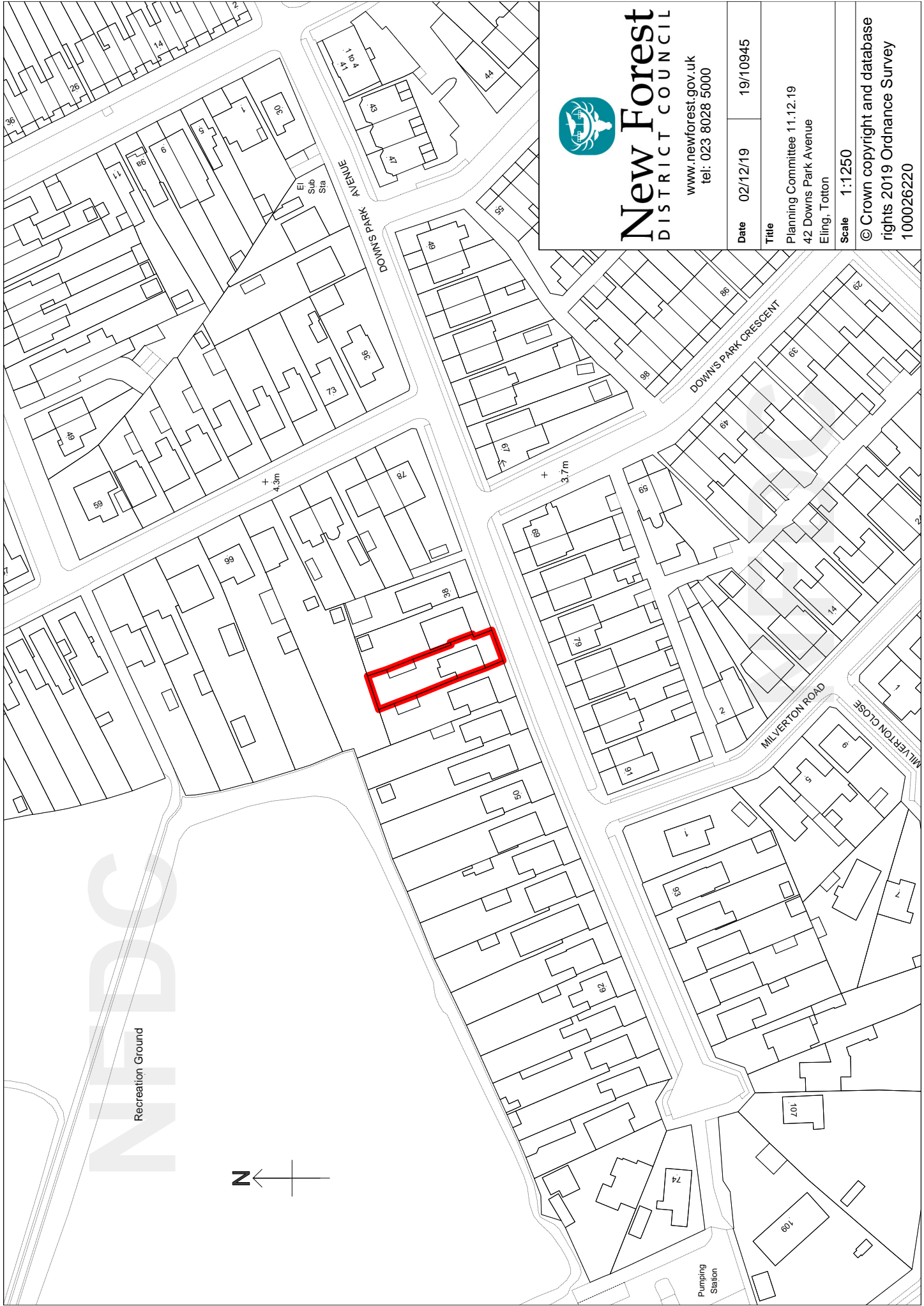
5. The spaces shown on dwg no. 01.L.001 for the parking of motor vehicles and storage of cycles shall be retained and kept available for the parking of motor vehicles and cycles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

**Further Information:**

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**New Forest**  
DISTRICT COUNCIL

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