

DELEGATED OFFICER REPORT

Application Ref: F/22/93733

Site Address: 20 Steele Close, Chandler's Ford Eastleigh, SO53 3AA

Case Officer: Summer Sharpe

Description: Construction of 1no. two-bedroomed bungalow.

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • HRA Screening • Within Air Quality Management Area (AQMA) • Noise & Air Pollution • Proximity to M3 motorway • TPO (482-E) (to the northern boundary) • Southern Water sewers 2m buffer.		

Planning History?	Yes ☒	No ☐
Application no.	Proposal	Decision
It is also noted that pre-application advise has been sought prior to the submission of this application, whereby the LPA were not supportive of the proposals.		
F/18/82834	Construction of 2no. 3 bedroom semi-detached dwellings with detached garages and associated parking	Refused (December 2018)
F/16/79411	Construction of 2no. 3 bedroom semi detached dwellings & detached garages with parking, access & amenity space	Refused (January 2017).

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>4no. Objections, from 3no. addresses summarised as follows:</u> (a) parking and congestion, (b) not all properties have off-street parking, (c) air quality, and (d) further future applications to encroach onto protected woodland.		
Parish Council:	None received.		
EBC Ecology:	Although I do not object to the development in principle, I have concerns regarding the current proposed layout. I therefore object to the application as it stands. There will be a direct loss of amenity grassland and some shrubs. It would appear a short stretch of hedge between the current driveway and amenity grassland has recently been removed. My primary concern is the impact on the trees around the perimeter of the site. To accommodate the new property within the currently proposed layout, tree works to the mature trees (several of which have TPOs on them) are proposed including crown raising, removing limbs which overhang the site and removing dead wood. It is likely that further tree works would be required to these trees throughout the lifetime of the development due to their proximity to the dwelling, garden and parking. This will have a detrimental and unacceptable impact on the trees and their associated biodiversity. Adequate space must		

	be provided around the trees to ensure tree works are not required throughout their lifetime and that of the development. Three of the mature trees along the northern boundary have also been identified as having bat roost potential and will require further surveys to be carried out prior to determination of the application if they are to be affected by the development. Other matters will need to be addressed through conditions should permission be granted. These include: • Managing ecological impacts during construction (all mitigation measures outlined in Section 6.2 of the EcoSupport PEA must be adhered to). • Further information regarding the surface water drainage and foul water treatment is required. It is strongly encouraged that permeable surfacing is used on all hard surfaces to reduce the impact of increased surface water run-off rates and reduced water quality. • Biodiversity net gain measures must also be secured. The PEA commits to several enhancements including two integrated swift boxes, one integrated bat box, two log piles and a hedgehog home which is welcomed. Native tree and shrub planting has been recommended but not confirmed. Full details of all enhancements and planting must be provided. • Details of any proposed external lighting during the operational phase must be provided to ensure no light spill into the adjacent habitats. Mitigation for recreational impacts on the Solent SPAs and New Forest SPA/SAC and nutrient impacts on the River Itchen SAC and Solent SPA/SAC will need to be determined
EBC Arboriculturalist:	Objection. It was noted that pre-application advice was submitted prior to this application. Additional information has been submitted as well as a changed layout, whereby the proposed dwelling has been moved to the north and east. Regarding levels, the site slopes up towards the north. This does not appear to be acknowledged in the elevations. We are, therefore, not sure of the proposed relationship with the topography. The impact on the trees is unknown without this information. Regarding the dominance issue, the report does not demonstrate that dominance will not have negative consequences of the trees in the longer term. In fact, the arboricultural report states that pruning will be required, ostensibly to reduce the likelihood of branch failure. However, it is highly unlikely that we would accept, for example, a TPO application to prune branches by 4m

	based on the fact that they <i>may</i> fail. The risk would have to be demonstrated rather than potential. Regardless, the reduction of the branches would provide a more acceptable relationship to the dwelling but by doing so it is accepted that there is a poor relationship at present. In other words, the existing, protected trees would be impacted by the proposal as it currently stands. The Trees and Development SPD states that layouts must be designed to ensure that retained trees are able to grow and mature in the space provided (i.e. without the requirement for pruning). Ultimately, we feel that we require more information regarding the levels/topography and the application has not suitably demonstrated that the dominance of the surrounding trees will not result in continuing impacts on the trees post-development. We raise an arboricultural objection to the proposal as it is contrary to policy DM1 and the Trees and Development SPD.
EBC Environmental Health:	Pollution Control observations: 1. The applicant's noise survey results appear much lower than our own information on this site (approximately half as loud). Our information is that the site is impacted by daytime LAeq 16 hour 65 to 70 dB(A) and night-time LAeq 60 to 65 dB(A) when using annual average traffic engineering information (flow and its constituents). This may also mean the maximum sound level has been underrepresented. 2. Please ask the applicant to check its noise survey /survey results and any influencing factors such as speed restriction and carriageway lane closure in force for the M3 roadworks. 3. The site is undoubtedly impacted by elevated vehicular emissions leading to elevated levels of nitrogen dioxide and fine particulate matter. Please advise the applicant to check levels of these in short- and long-term quantities versus Air Quality Objectives.
Hampshire Highways:	As the application is for 5 dwellings or less, there is no required change of vehicle access onto the highway, and the development does not access directly onto a classified road, HCCs standing advice should be referred to. The following comments are also made: 1) Plans show 4 parking spaces (though the application form states 3) which could be allocated to two spaces per dwelling (existing and proposed) in accordance to the EBC parking standards SPD 2) An on-site turning area is provided which enables forward gear access and egress, negating the need for a reverse onto the highway which is welcome

	3) CEMP would be required subject to a positive recommendation: <i>No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:</i> <i>(a) A programme of and phasing of demolition (if any) and construction work;</i> <i>(b) The provision of long term facilities for contractor parking;</i> <i>(c) The arrangements for deliveries associated with all construction works;</i> <i>(d) Methods and phasing of construction works;</i> <i>(e) Access and egress for plant and machinery;</i> <i>(f) Protection of pedestrian routes during construction;</i> <i>(g) Location of temporary site buildings, compounds, construction material, and plant storage areas;</i> <i>(h) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.</i> <i>Demolition and construction work shall only take place in accordance with the approved method statement.</i> <i>Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.</i>
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Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (delivering sustainable development), S2 (approach to development), S3 (location of new housing), DM1 (General development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM8 (pollution), DM11 (nature conservation), DM13 (transport), DM14 (parking), DM23 (residential development within urban areas), DM30 (internal space standards), and DM40 (funding infrastructure).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Trees and Development.

Site Visit	Yes ☒	No ☐
6 October 2022.		

Assessment:

Site & Surroundings

The application site comprises an open piece of green land to the north-east of Steele Close, situated between 20 Steele Close and Oakmount Road. The site appears to relate to 20 Steele Close, albeit separated by a standard brick wall and is also bound by

vegetation along the eastern boundary and TPO'd trees to the northern boundary. The site itself is also subject to a northern incline.

The immediate surroundings comprise residential properties. The properties to the north of Steele Close comprise groups of terraced properties, two-storey in nature. The dwellings are fairly consistent in terms of their overall design, albeit there is a variety of materials used. The properties are also set back from the road by some landscaping and/or parking provisions to the frontage.

To the south, are some industrial type usages, the fire station and enterprise car and van hire towards the entrance of Steele Close.

Proposal

The application proposes the erection of a detached 2-bedroom bungalow, with associated parking. This would be situated to the east of no.20 Steele Close, towards its eastern boundary which runs parallel to Oakmount Road, and the M3 (further east).

The proposed dwelling would have a pitched roof which would measure approx. 5.2m with eaves which would measure approx. 2.2m in height. The southern elevation would have a gable end and the northern elevation would have a hipped roof form. The eastern elevation (denoted as front) would include a projecting element, which would project approx. 1.2m to the east. At the deepest the proposal would have a width of approx. 7.2m and would have a length of approx. 10.8m. It is unclear what materials the proposal would be finished in, the Design and Access Statement notes it would be red/ brown facing brick work, but the application form and plans note that the proposed dwelling would be finished in cream render, plain tiles, and upvc fenestration. There would also appear to be plain tiles on the gabled elevation above ground floor level. The proposed site plans show a western boundary (separating the application site and no.20 Steele Close) to be trees/ vegetation, however limited information has been provided in this regard.

Principle

The application site falls within the urban edge, whereby the general principle of residential development is considered to be acceptable. However, this would be subject to the following considerations set out within this report.

Paragraph 11 of the NPPF relates to the presumption in favour of sustainable development, with sub-paragraph d) ii) relating to the decision-taking process, noting that permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*. Paragraph 14 elaborates on this stating that where the application involves the provision of housing, the adverse impact of allowing development would be assessed against the criteria laid out (a-d).

Paragraph 60 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that sufficient amount and variety of land can come forward where it is needed. The Council's latest Housing Land Supply Position Statement (August 2022) shows a supply of deliverable housing in excess of the 5 years as required by the Framework (5.1 years).

Whilst it is noted that the proposal would provide for additional residential development within the urban edge, an area which is acknowledged to be a sustainable location, this contribution would be particularly modest in the form of a single dwelling. Therefore, in light of the Council's 5-Year Housing Land Supply position and in accordance with the NPPF, only a limited degree of weight as a benefit can be given to the scheme.

Background

As noted within the history section, planning application referenced “F/16/79411” proposed the construction of 2no. 3 bedroom semi-detached dwellings and detached garages on the application site. This was refused for the following reasons:

- 1) *The proposed development, due to layout and proximity of the building to the access road to the rear of the properties would create an unattractive and incongruous feature at odds with the appearance of neighbouring properties, and detrimental to the character and pattern of development within the locality. As such, the proposed development is contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011].*
- 2) *The proposed development would result in an excessive building bulk adjacent to an existing residential property, detrimental to the visual outlook and amenities enjoyed by the residents of 20 Steele Close. As such the proposal is contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011] and Quality Places: Supplementary Planning Document.*
- 3) *Insufficient information has been submitted to illustrate that the proposal will not be to the detriment of the trees on site or the protected copse to the north, both during construction and any future pressures to prune or fell trees. The proposal is therefore contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011].*
- 4) *Insufficient information has been submitted to illustrate that the proposal will not be to the detriment of protected species. In particular reptiles, great crested newts and bats. The proposal is therefore contrary to Saved Policy 24.NC of the Eastleigh Borough Local Plan Review [2001-2011].*
- 5) *Due to the sites proximity to the M3 motorway the site is located within or in close proximity to an Air Quality Management Area. Insufficient information has been submitted to illustrate an appropriate air quality assessment. The proposal is therefore contrary to Saved Policy 33.ES of the Eastleigh Borough Local Plan Review [2001-2011].*
- 6) *The proposed parking space to the front of the east dwelling is likely to result in vehicles reversing onto Steele Close. As such the proposal is to the detriment of highway safety and therefore contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011].*
- 7) *Whilst the application advises the provision of 6 secure cycle spaces. No details of this secure cycle provision has been included as part of the application. As such the proposal is therefore contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011].*

Following the refusal of the above, subsequent planning application referenced “F/18/82834” proposed the construction of 2no. 3 bedroom semi-detached dwellings with detached garages on the site. This was also refused, for the reasons set out below:

- 1) *The proposed development by virtue of the site constraints, its constrained layout, including the provisions of a shared parking area to the rear of the site would create an incongruous features at odds with the prevailing character and pattern of development within the locality, to the detriment of the character and visual amenity of the area. As such the proposed development is 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, Policy DM1 of the Emerging Eastleigh Borough Local Plan 2016-2036, and the Council’s Supplementary Planning Document ‘Quality Places’.*
- 2) *Insufficient evidence has been provided to demonstrate that the proposed development will not result in unacceptable harm to the amenities of occupiers of No.20 Steele Close through adverse loss of outlook and light. As such the proposed development is 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, Policy DM1 of the Emerging Eastleigh Borough Local Plan 2016-2036, and the Council's Supplementary Planning Document 'Quality Places'.

- 3) Insufficient evidence has been provided to demonstrate that the proposed development will not result in unacceptable harm to trees within and adjacent to the site, including those which are subject to a Tree Preservation Order, from the development itself, during its construction or from future pressure to prune or fell, to the detriment of the visual amenity of the area. as such the proposed development is 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, Policy DM1 of the Emerging Eastleigh Borough Local Plan 2016-2036, and the Council's Supplementary Planning Document 'Quality Places'.*
- 4) Insufficient evidence has been provided to demonstrate that future occupiers of the proposed development will not be adversely impacted by noise and/or air pollution associated with the close proximity of the application site to the M3 motorway and Leigh Road/M3 Air Quality Management Area, to the potential detriment of their amenity and health. As such the proposed development is contrary to Saved Policies 30.ES, 33.ES & 59.BE of the Eastleigh Borough Local Plan Review [2001-2011], Policies DM1 & DM9 of the Submitted Eastleigh Borough Local Plan 2011-2029, Policies DM1 & DM8 of the Emerging Eastleigh Borough Local Plan 2016-2036 and the Council's Supplementary Planning Document 'Quality Places'.*
- 5) The proposed site layout fails to provide a suitable vehicular passing place, which would result in vehicles having to reverse into Steele Close, to the detriment of highway safety and the amenity of occupiers of existing and proposed development. As such the proposed development is 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, Policy DM1 of the Emerging Eastleigh Borough Local Plan 2016-2036, and the Council's Supplementary Planning Document 'Quality Places'.*

The LPA would like to highlight the differences between the previous refusals and this current application. These comprise:

- 1 – the reduction of units on site, previously 2no. units were proposed, now the application proposes 1no. unit;
- 2 - the overall design changes; and
- 3 - the impact the proposals would have upon European protected sites. In this instance the; European protected Solent Complex (SPA, SAC and Ramsar sites), and New Forest National Park (SPA, SAC and Ramsar sites) would be affected.

All other matters relating to; amenity (including both; future occupiers and neighbouring properties), highways, trees and ecology would remain pertinent to the consideration of this application.

It was noted that pre-application advice was sought prior to the submission of this application, whereby the LPA raised concerns with regard to the: principle, siting and layout behind the established building line of the dwellings, overshadowing of the existing trees along the eastern edge, and general impact upon trees, access (both functionally and design), and air quality and noise impacts. It is not considered that all of these areas of concern have been satisfactorily addressed, as will be set out below.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

As set out above, the previous applications were refused on the basis of poor design, among other matters. This application, whilst reducing the amount of residential units, and the height (from two-storey to single storey) is to be assessed on its individual design merits against the relevant design policies of the Local Plan and SPD.

The proposal comprises a detached bungalow set within the eastern part of the land adjacent to 20 Steele Close. The proposal is considered to appear different to the prevailing spatial characteristics of the area as it is set back from the established building line along the northern boundary of Steele Close. Further, and as will be expanded upon within the tree section of this report, there is concern with regard to the layout, whereby the proposed dwelling would be situated within close proximity to trees along the eastern boundary, and the protected trees to the northern boundary. The Trees and Development SPD make clear that development layouts must be designed to ensure that retained trees are able to grow and mature in the space provided. The layout proposed does not appear to consider the advice given at pre-application stage, as the proposed dwelling is situated close to the trees along the eastern boundary. The layout has therefore not considered the longevity of the trees and the impact the proposal could have upon them. As such, the proposals would result in a cramped arrangement along the eastern boundary, encroaching close to the existing belt of trees.

In addition to this, and whilst acknowledging that the proposal would provide the necessary parking provisions to accord with the Council's Parking SPD, the parking layout is poor. From a site visit it is noted that there is some hardstanding in situ, however, the proposals would increase this resulting in excessive hardstanding and a more utilitarian appearance uncharacteristic of the Steele Close streetscene.

Further, the single storey nature of the development would be considered at odds within the locality, not relating to the strong sense of uniformity and consistency of the two-storey dwellings that create enclosure within the streetscene. Therefore, the proposal would result in an alien feature when read within this context. The proposal would also be considered unresponsive to the established grain of development, not seeking to conform to the; size, scale, massing, siting within the existing residential characteristics.

The DAS notes that the proposals would be 'largely invisible from public view... the plot cannot be said to contribute to the character of the area currently'. However, the Local Planning Authority (LPA) consider this piece of land to contribute towards the spaciousness of Steele Close, despite its location to the eastern end of the Close. The underdeveloped pocket of green provides a buffer to the east (Oakmount Road), whereby the siting of the dwelling could have a long-term adverse impact upon the existing trees to the eastern boundary which currently provide separation and screening. In combination, through the urbanisation of the site and potential loss of trees, the proposals would have a detrimental impact upon the overall street scenes of both Steele Close and Oakmount Road.

Paragraph 134 of the NPPF states '*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents*'.

As assessed above, due to the inappropriate siting and scale of the development, and its close proximity to trees, the proposal is considered to result in an incongruous addition, detracting from the established grain of development and uniformity of Steele Close, thus would have an adversely harmful impact upon the streetscene and surrounding area.

Internal & External Amenity for Future Occupiers

To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'Nationally Described Space Standards' (NDSS)

(March 2015). Policy DM30 of the Eastleigh Borough Local Plan (2016-2036) requires that all new dwellings meet the NDSS as a minimum. In addition to internal arrangements, the Quality Places SPD requires all new residential development to provide a garden area of 60% of the host dwellinghouse.

The NDSS sets out the minimum space required for new dwellinghouses, this is dependent upon the number of bedrooms, people who would reside there and storeys. There are also standards relating to sizes of bedrooms; a single occupancy bedroom should measure 7.5m², and a double occupancy bedroom should measure 11.5m².

The application proposes a 2no. bedroom bungalow, whereby the NDSS requires between 61m² – 70m² for a property of this size. From the submitted plans the footprint would measure approx. 60m². Further to this, bedroom 1 would measure approx. 9.2m² (excluding the wardrobe) and bedroom 2 would measure approx. 8.2m². Both bedrooms exceed single person occupancy but fall short of double occupancy. In addition, the overall footprint of the dwelling falls short for a 2no. bedroom single storey dwellinghouse. It is noted within the "Planning, Design and Access Statement" the proposals would have a gross internal floor area of approx. 110 square metres. As noted above, the LPA calculate this to be approx. 60m². (This is also supported by the crude footprint (measured from the external walls) being approx. 10.8m by approx. 6.2m (excluding the eastern outshot)). However, from the submitted floor plans and elevations, it appears that each habitable room would be served by a window. To conclude, and whilst regrettable, due to the shortfall of 1m², it is not considered that this would warrant a stand-alone reason for refusal. However, it is a negative facet that counts further against the scheme when considered in the overall planning balance.

In addition, and as set out within the Council's Quality Places SPD, the garden size for new residential development must be at least 60% of the floor space of the host dwellinghouse. From the plans submitted, the proposals appear to meet the 60% external amenity area. However, given the location of the established trees within the garden it is recognised that areas within the garden may become less usable due to shade and overhanging of the trees and therefore a section of the garden would become unusable. Whilst not ideal it is considered that the resulting private amenity area is sufficient to meet the needs of future occupiers on the property. It is noted that 20 Steele Close would be retained. This would, as a result, also be subject to ensuring sufficient external amenity space was retained. From the submitted plans it is noted that the 20 Steele Close would retain its existing garden denoted by boundary treatment in situ.

Further, due to the nature of the proposals, the Council's Environmental Health Team have been consulted, their comments note that the noise survey submitted appears lower than the Council's records. They have therefore raised concern that the maximum sound level may be underrepresented. They also note that the site is undoubtedly impacted by elevated vehicular emission resulting in elevated levels of nitrogen dioxide and fine particulate matter, therefore they requested that the applicant check levels of these in the short and long term. Had the proposals have been acceptable in other regards this information would have been sought. Given that the proposals are recommended for refusal, the lack of information provided to satisfy environmental health that the future occupiers would not be adversely impacted upon, would form a subsequent reason for refusal.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

The addition of further residential development within an area characterised by residential is considered to be acceptable in this regard.

Due to the siting of the proposals, the sole neighbour likely to be affected is 20 Steele Close. The proposed dwelling would be situated to the east of no.20 Steele Close. Further east are trees which form the boundary with Oakmount Road (east). The proposed dwelling would be set back behind the line of the rear elevation of no.20 and would be situated approx. 8.3m away (east). The submitted site plan indicates that there would be some planting to the western boundary which would extend in an 'L-shape' towards the proposals, although it is unclear the exact details of the planting. However, and as a result of the separation distance, and single storey nature, the proposed dwellinghouse is not considered to have a detrimentally harmful impact upon 20 Steele Close.

Due to the siting of the proposals within the plot, single storey nature, and the northern boundary comprising TPO'd trees the proposals are considered to have a limited impact upon the neighbouring amenities to the north.

To conclude, the proposals are considered to be acceptable with regard to the impact upon the neighbouring amenities.

Highway Safety, Parking & Refuse Storage

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted. They raised no objection, however requested that a CEMP be conditioned, should the application be recommended for approval.

Turning to parking, the Council's Parking SPD sets out that for a 2no. bedroom property there should be the provision of 2 no. off-street parking provisions. The site plan shows that there would be provision of 4no. off-street vehicular parking provisions, which would serve the application site and no.20 Steele Close, thus would be acceptable.

With regard to bin and cycle storage, this has not been identified on the proposed block plan, however it is noted that there is space available to provide this. Should the application have been acceptable in other regards further details of the bin and cycle storage, and their retention in perpetuity, could have been secured via condition.

Ultimately, and to conclude, should the proposals have been acceptable in all other regards additional information could have been requested and secured via condition.

Ecology & Trees

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Due to the nature of development, the Council's Arboriculturalist and Ecologist have been consulted.

The Council's Arboriculturalist notes that the proposed dwelling has been slightly relocated to the north-east when compared to the pre-application (closer to the trees along the eastern boundary). It is noted that there is a change in land levels on the site, however these are not acknowledged on the elevations therefore the exact impact upon the trees is unknown. In terms of dominance, the arboricultural report does not demonstrate that the dominance will not have negative consequences on the trees in the longer term. The arboricultural report states that pruning will be required, whereby the Council's arboriculturalist has advised that they would not be agreeable to. Regardless, it is noted that the reduction of the branches would provide a more acceptable relationship to the dwelling, but by doing so it is accepted that there is a poor relationship at present. The existing, protected trees would therefore be impacted by the proposal as it currently stands. The Trees and Development SPD states that layouts must be designed to ensure that retained trees are able to grow and mature in the space provided (i.e. without the requirement for pruning). The proposals are also considered to impact the trees to the east of the site. Whilst acknowledging that the trees are not offered any formal protection (by way of TPO or by being situated within a Conservation Area), they are considered to make a positive contribution to the area and help screen the site from Oakmount Road and the Motorway, beyond. The proposals could result in potential adverse impacts upon the longevity of these trees, which would have an adverse impact upon the streetscene. The Council's arboriculturalist therefore concluded that additional information would be required with regard to topography, and also raised an objection to the proposal and its impact upon the existing trees on and adjacent the site, thus would be contrary to Policy DM1 and the Trees and Development SPD, thus would warrant reason for refusal.

The Council's Ecologist has raised an objection to the proposed layout of the site, as a result of the loss of amenity grassland and shrubs, as well as the impact of the proposed development upon the nearby TPO'd trees along the perimeter of the site. The tree works comprise crown raising, removing limbs which overhang the site and removing deadwood. There is also ongoing maintenance which would be required throughout the lifetime of the development which would result in an unacceptable impact upon the trees and their associated biodiversity. In addition, 3no. mature trees along the northern boundary have been identified as having bat roost potential, therefore further surveys would be required to be carried out prior to the determination of the application if they are to be affected by the development. The Council's Ecologist also set out a number of matters which would need to be addressed, however noted that this could be done via conditions. Therefore, had the proposals have been acceptable in other regards, conditions could have been applied to mitigate the concerns.

Drainage

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

A surface water drainage plan has been requested by the Council's Ecologist. This information has not been requested. However, it should be noted that had the application have been acceptable in other regards this information would have been requested, whereby this matter could have been dealt with or been conditioned appropriately.

Sustainability

Policy DM2 of the Eastleigh Borough Local Plan (2016-2036) requires new development to provide a 19% improvement in predicted carbon emissions, and water consumption standards of 110L per person per day.

Other than being situated within a suitable location, the proposals do not provide any sustainability measures. It should be noted, however, that had the proposals have been acceptable in other regards, these requirements would have been secured via condition.

SPA Mitigations

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites. In this instance, given that the proposal was unacceptable in other regards no Appropriate Assessment has been undertaken, however an assessment of the impact has been completed below.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site does not appear to fall within this zone.

In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste Water Treatment Works, which discharges into the river network and so causes eutrophication affecting the features for which it is designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with funding being secured during the planning application. The agent has not submitted any information with regard to achieving nitrate neutrality, either by installing water efficiency measures within the proposed dwelling, or by request of purchasing 'nitrate credits'.

In addition to the above, Natural England have also highlighted that residential development within a certain catchment of the River Itchen (SAC) can result in phosphate loading resulting from additional sewage generated from future residents. The site appears to fall outside of this catchment (situated to the west of the M3).

Furthermore, Natural England has also recently raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. No mitigation to offset this impact has been provided.

The Local Planning Authority acknowledge that these matters could be overcome, subject to the correct monies and mitigations being implemented. However, the proposal was not considered acceptable in other regards, therefore this was not sought. As stands the application does not provide the required mitigations to offset the adverse impact upon the protected areas and therefore these matters would contribute towards a reason for refusal.

Equalities Act:

Section 149 of the Equalities Act 2021 created the public sector equality duty. Section 149 states:

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

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020-2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF and development plan do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and Local Plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF and Policies, S1, DM2, and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Reasons for Refusal:

- 1) The proposed dwelling, by reason of its inappropriate siting and proximity to the existing trees on and adjacent to the site, would result in an unacceptably cramped layout and would undermine the positive contribution that the site presently makes to the character of the area owing to its undeveloped and verdant nature. These impacts would be accentuated by the discordant scale and size of the proposed dwelling and its inappropriate and incongruous form and design which would be at odds with and have a detrimental impact upon the prevailing character of the Steele Close streetscene and its immediate surroundings. The proposals are therefore contrary to the requirements of Policy DM1 of the Eastleigh Borough

Local Plan (2016-2036) and the provisions of Section 12 of the National Planning Policy Framework (2021).

- 2) Insufficient evidence has been provided to demonstrate that future occupiers of the proposed development will not be adversely impacted by noise and/or air pollution associated with the close proximity of the application site to the M3 motorway and Leigh Road/M3 Air Quality Management Area, to the potential detriment of their amenity and health. As such the proposed development is contrary to Policies DM1 & DM8 of the Eastleigh Borough Local Plan (2016-2036) and the Council's Supplementary Planning Document 'Quality Places'.
- 3) The proposed development, owing to the close proximity to the trees on and adjacent to the site, would fail to provide an acceptable level of amenity for the future residents of the development as a result of dominance and overshadowing to the property, thereby placing unacceptable pressure for future pruning or potential removal of these trees. The application is therefore considered to have failed to demonstrate that the proposed development would not have an adverse and unacceptable impact upon the future health, stability and retention of protected trees to the north, and trees along the eastern boundary, that are an important feature which contribute positively to the amenity of the locality. The proposals are therefore contrary to the requirements of Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's adopted Trees and Development SPD (2021), and the provisions of Section 12 of the National Planning Policy Framework (2021).
- 4) The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2021) and the Conservation of Habitats and Species Regulations 2017.

Recommendation:

PERMIT ☐

REFUSE ☒