

DELEGATED OFFICER REPORT

Application Ref: F/22/94433

Site Address: Land adjacent 55 Shakespeare Road, Eastleigh, SO50 4FY

Case Officer: Summer Sharpe

Description: Erection of a detached two bed dwelling, with associated parking access and cycle store (Resubmission of application F/22/92867).

Particular Site Constraints?	Yes ☒	No ☐
Within urban edge		

Planning History?	Yes ☒	No ☐
Application no.	Proposal	Decision
<u>Application Site</u> F/18/83334	Erection of a two-storey, detached, 2-bed dwelling with associated parking.	Refused (August 2018) Appeal Dismissed (February 2019)
F/22/92867	Erection of a detached two-storey 3-bedroom dwelling, with associated parking access and cycle store.	Refused (July 2022)
<u>55 Shakespeare Road</u> F/09/65030	Retrospective application for the conversion of 3-bedroom dwelling into 1no. 1-bedroom flat and 1no. 2-bedroom flat.	Permitted (July 2009)
<u>57 Shakespeare Road</u> Z/04198/001/00	Two storey side extension and change of use of dwelling to two flats.	Refused (March 1991)
F/04/50844	Two storey side extension.	Permitted (June 2004)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>3no. Objections summarised as follows:</u> (a) previous applications have been refused and there is no change in this application, (previous reasons for refusal were reiterated) (b) concerns about maintenance of the existing site, (c) incorrect site address, (d) lack of parking/ safety because of the existing mature street tree and bus stop, (e) other new build development nearby therefore there is no need for this application, (f) loss of privacy/ overlooking, and (g) bats and protected species habitat.		
Parish Council:	Objection: Over development of the site and not in keeping with surrounding area. Contrary to Policies DM1 – New Development, DM13 - Transport, DM14 - Parking of the Eastleigh Borough Local Plan (2016-2036). Council supports the objections raised previously in 2022 by Head of Planning, Eastleigh Borough Council.		
EBC Ecology:	The ecology information submitted for the previous application is the same, with new boundary hedging proposed to the front of the site and tree planting, bat and bird boxes provided within the site. Hedging is not shown on any of the 3-D proposed street scene drawings.		

	This ecology response is the same as for the previous application: The boundary hedging and trees should be flowering native species that will provide resources for pollinators and fruit for birds and other wildlife. Bat and bird boxes should be built into the building, if possible, rather than externally mounted. The use of a flowering lawn mixture is preferred over amenity turf. Any close board fencing should have 13 x 13cm gaps in the baseboards to allow the passage of small mammals such as hedgehogs between neighbouring gardens. This application requires a surface water drainage plan. If a soakaway is proposed, it must be at least 5m from any building and supported by infiltration testing. This may not be possible on such a small site.
EBC Arboriculturalist:	This application has rearranged the on-site parking to utilise the existing driveway and drop kerb. Therefore, our concerns regarding the applicant's failure to consider the street tree in the previous submission have now been removed. The site was relatively verdant (Summer 2022) but there were no significant trees – anything present appeared to be self-seeded – and so we have no concerns, from an arboricultural perspective, regarding removal of on-site trees and shrubs. Therefore, we raise no arboricultural objection to the proposal.
EBC Environmental Health:	Subject to noise impact assessment being required as a condition of approval, we do not object on the ground of pollution. The noise impact assessment should refer to BS8233 "Guidance on sound insulation and noise reduction for buildings". To make things simple, in addition to sound insulation specification, the applicant can either install acoustically attenuated (or quiet) mechanical trickle ventilators or refer to the Institute of Acoustics "Acoustic, Ventilation & Overheating Design Guide" see https://www.ioa.org.uk/publications/acoustics-ventilation-and-overheating-residential-design-guide and Building Regulations ("Overheating" Approved Document O). The purpose of these is to ensure adequate ventilation while windows are closed to prevent the ingress of noise.
Hampshire Highways:	Given the vehicle access required for the parking of the proposed dwelling is taken from an existing drop kerb, there is no objection to the proposals from a highway perspective. However, it is noted that the existing dwelling will be left with no off-road parking and so will have to rely upon the street parking permit provisions. The Case Officer may wish to consider this, with regard to the EBC Parking Standards. Onwards, whilst two parking spaces are proposed for the new dwelling, applicants should be made aware that the new occupants will not be able to apply for permits for the

	Controlled Parking Zone, and so need to be self sufficient in terms of vehicle parking numbers, inclusive of visitors.
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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), DM11 (nature conservation), DM13 (access), 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 ☐
A site visit was undertaken 18 May 2022 as part of the previous application (F/22/92867). 'Photographic Context' was also submitted as part of these applications.		

Assessment:

Site & Surroundings

The application site comprises a piece of land to the south of Shakespeare Road. Situated between 55 Shakespeare Road (on a corner plot), and 57 Shakespeare Road. It is noted that the application site was formerly part of the curtilage of 55 Shakespeare Road, however this has since been subdivided and separated by close board fencing and vegetation. The piece of land subject to this application is predominantly hard surfaced with no boundary treatment to the frontage.

The immediate surroundings comprise residential properties, but it is noted that there are schools within a close proximity and an identified piece of open space to the north-east of the site. Whilst it is noted that there is an array of different house types, there is some consistency in terms of materials comprising red brick, coloured render and tiling, as well as sizes and roof forms. The properties are also set back from the road by some landscaping and/or parking provisions to the frontage.

Proposal

The application proposes the erection of a detached two-storey 2-bedroom dwelling, with associated parking access and cycle store. This would be situated on a piece of land which was formerly part of the curtilage of 55 Shakespeare Road. This is currently hard surfaced, and partly bound by fencing.

The proposed dwelling would have a pitched roof which would measure approx. 7.6m in height with eaves which would measure approx. 4.8m in height. The proposal would have a footprint of approx. 5.6m by 6.1m. The proposed dwelling would be finished in red brick, plain tiles, white upvc fenestration, and close board fencing and vegetation as a means of boundary treatment. The 'Planning and Design and Access Statement' states that *the existing boundary screening would be retained and enhanced where necessary, and provision of new boundary hedging to the front and tree planting*. No details have been provided in terms of boundary treatment enhancements or planting.

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, which is not considered to outweigh the material harm arising from the proposal as set out above.

Within the 'Planning and Design and Access Statement' the Agent identifies the site as 'brownfield'. It is noted within the NPPF that there is general support for the development/reuse of brownfield sites. However, the term 'brownfield' suggests that the site was once used but is no longer serving any purpose. The LPA would refer to planning application referenced "F/09/65030", which included the application site, and identified this as parking provisions and bin storage for the occupiers of no.55 Shakespeare Road. Securing the vehicular parking provisions were fundamental to the acceptability of the abovementioned planning application, and as such the following condition was imposed:

A minimum of two car parking spaces shall be provided in accordance with the approved plans and thereafter maintained and used only for the propose of accommodating private motor vehicles incidental to the use of the residential units.

Reason: In the interests of highway safety.

The application site could therefore not be classified as 'brownfield'. Whilst there is some conflict between the LPA and agent in this regard, the developability of the land is not reliant on its classification being 'brownfield', but the harm resulting from the proposals which will be identified and assessed throughout this report.

Background & Comparison to Previous Schemes

As noted within the history section, planning application referenced "F/18/83334" proposed a two-storey two-bedroom property on the application site. This was refused for the following reasons:

- 1) *The proposed house[s], due to their insufficient plot size[s], would amount to an overdevelopment of the site and would give rise to a cramped and poor quality living environment detrimental to the amenity of their future occupiers and out of character with development in the locality. As such the proposal is contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011]*

- 2) *The proposed development fails to provide adequate provision for on site car parking which would encourage the parking of vehicles on the public highway and so interrupt the free flow of traffic and cause a hazard to road users. As such the proposal is contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011].*

This was subsequently appealed (ref: APP/W1715/W/18/3212451) and dismissed. The Inspector set out the main issues which comprised; the character and appearance of the area, the living conditions for future occupants having particular regard to the quantity and quality of private garden space, and highway safety having particular regard to the provision of on-site car parking. The Inspector's conclusions will be elaborated upon within the relevant sections, discussed below.

Further to the above, previous planning application (F/22/92867) was refused on the basis of; design (specifically relating to its siting and cramped layout), amenities (both internally for future occupiers, and externally; in terms of loss of external amenity space for the flat to the rear of no.55 Shakespeare Road, and its physical appearance by way of being overbearing as a result of the scale, siting and close proximity to both eastern and southern boundaries thus impacting no.55 Shakespeare Road and no.2 Arthur Road), highways matters (loss of the existing parking provisions for no.55 Shakespeare Road), trees (lack of information relating to the potential impact upon the street tree), and SPA mitigations (lack of mitigations to offset the proposed development upon European Protected Solent Complex, River Itchen and New Forest National Park).

It is acknowledged that amendments have been sought to address the reasons for refusal relating to the most recent planning application "F/22/92867". These will be discussed in each relevant section of the report.

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.

Previously it was noted that the first reason for refusal of planning application "F/18/83334" read:

The proposed house[s], due to their insufficient plot size[s], would amount to an overdevelopment of the site and would give rise to a cramped and poor quality living environment detrimental to the amenity of their future occupiers and out of character with development in the locality. As such the proposal is contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011]

Within planning application F/22/92867 it was concluded that the previous Officers assessment of the design considerations as part of planning application F/18/83334, largely remained in situ, whereby the LPA still had concerns with regard to the cramped and poor layout of the plot.

The proposed appearance of the dwelling is fairly generic; two-storey, pitched tiled roof, brick built, upvc fenestration. The proposal would also be a detached dwelling, which in this location would appear at odds, given that there is a strong sense of semi-detached properties within the immediate vicinity. Further, the style is also considered to be at odds with the established grain of dwellings, not conforming to any characteristics of the streetscene. The proposed dwelling would be bound by the existing fencing and proposed vegetation which is a typical material for residential development and is prevalent within the vicinity. However, no information with regard to the boundary treatment enhancements or height/ type of planting has been provided.

Turning to the plot itself, it was noted from a site visit that the proposed dwelling would be located within an area formerly associated with no.55 Shakespeare Road, which has been separated off by some rudimentary fencing, which comprises hardstanding for the parking of vehicles in relation to no.55 Shakespeare Road. It is noted that the parking has been relocated when compared to the previous schemes. The parking provisions would now be retained in the same position as existing, in tandem alongside the proposed dwelling as opposed to in-front, which is more characteristic of the wider surroundings. However, the size of the plot both in terms of its width and area are uncharacteristic of other properties in the area. It should also be noted that the site is smaller than that of the previous schemes, as a result of the angled and tapered nature of the rear garden. It is also noted that this part of Shakespeare Road is characterised by a geometric layout. The proposed dwelling would also have a closer relationship with its neighbouring properties than is prevalent in the surrounding area and as a result would appear as a cramped form of development.

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'*. Due to the inappropriate siting and scale of the development, the proposal is considered to result in an incongruous and cramped addition, which would have an adversely harmful impact upon the streetscene and wider vantage points. This stance is reinforced by the Inspector within the previously dismissed appeal, the relevant extracts have been included below.

The Inspector also concluded that the impact of the appeal proposals upon the character and appearance of the area would be harmful. Their comments are as follows: *"along this part of Shakespeare Road there are relatively modest, predominantly semi-detached properties, all of which are well spaced. The spaces between the buildings contribute to the character and appearance of the area and combined with the large street trees provide a mature character.*

In addition, the properties at the junction with Arthur Road, of which no.55 forms one part, are matched pairs that are set at an angle, and which provide an attractive geometric layout to this part of the street scene, along with their gardens to the side.

This means the open appeal site, particularly when viewed from the vicinity of Ruskin Road, makes an important contribution to the character and appearance of the area owing to the space between no.55 and no.57. The introduction of the appeal proposal would result in the loss of this space between the existing properties.

The consequent layout and small size of the plot would also be uncharacteristic with other properties in the area which have their parking reserved to the side. The parking for the appeal proposal would be situated at the front.

I therefore find the erosion of this space and consequent layout would result in a house with a much closer built relationship to its neighbours. This would appear cramped and out of keeping with development in the locality."

As a result of the above, the previous application F/22/92867 was refused. It is not considered that the amended proposals fully address this reason for refusal, nor do the proposals fully address the Inspectors comments within the dismissed appeal.

Overall, and to conclude, the proposed dwellinghouse, as a result of its scale and inappropriate siting would result in the unacceptable overdevelopment of the site and the creation of an unduly cramped layout at odds with the wider vicinity, detracting from the character and spaciousness of the established surroundings, thus being contrary to the abovementioned policies, and SPD. This conclusion is also supported by the Inspectors

comments within the previously dismissed appeal, outlined above. In accordance with Paragraph 134 of the NPPF, this development is not considered well designed, nor does it reflect local design policies, thus warranting refusal.

Internal & External Space 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.

Reason for refusal (no.2) of planning application "F/22/92867" read:

The proposed dwelling fails to provide an appropriate standard of internal living accommodation for future occupiers, contrary to Policy DM30 of the Eastleigh Borough Local Plan (2016-2036), the NDSS (2015) and the provisions of the NPPF (2021).

It appears as a result of the above, the proposals have reduced the amount of bedrooms from a 3 to 2.

The application proposes a two-storey, 2no. bedroom dwelling, whereby the NDSS requires between 70m² – 79m² for a property of this size. From the submitted plans and 'Planning and Design and Access Statement' the footprint would measure approx. 60m². Further to this, bedroom 1 would measure approx. 14m², and bedroom 2 approx. 7.1m². Therefore, bedroom 2 would fall short of single person occupancy and the overall footprint of the dwelling would fall short for a two-storey 2no. bedroom dwelling.

From the submitted floor plans and elevations, it appears that each habitable room would be served by a window. However, the Environmental Health Officer has requested a noise impact assessment be submitted, this should include acoustic and ventilation measures to ensure the internal living conditions are satisfactory. It should be noted that had the proposals have been acceptable in other regards this could have been secured via condition requiring further information to be submitted and reviewed by the EHO.

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. It was noted that one of the reasons for refusal of planning application "F/18/83334" was on the basis that they did not provide 60% external amenity. Previous planning application "F/22/92867" amended and reconfigured the site plan. This application has also resulted in an amended layout. From the plans submitted, the proposals appear to meet the 60% external amenity area, (providing approx. 40m² external amenity area).

Further to the external amenity area for the proposed dwelling, regard would need to be given to the retained 55 Shakespeare Road. Reason for refusal (no.3) of planning application "F/22/92867" read:

The proposed dwelling, due to its plot size and siting, would result in the unacceptable loss of external amenity space for the flat to the rear of no.55 Shakespeare Road, taking this below the amount required by the Quality Places SPD. The proposals are therefore contrary to the requirements of Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) Quality Places SPD (2011) and the provisions of the NPPF (2021).

Within planning application "F/09/65030" the Officer noted that the amenity space provided at the front of the property for the two-bed flat would be approx. 80m², and to the rear of the property for the one bed flat would be approx. 27m². The policy requirement is 25m² per unit, therefore the proposals did previously meet the requirement. The Officer also noted that Shakespeare recreation ground is within close proximity to the site.

Ultimately, as a result of the siting of the proposals, the external amenity area for no.55 would be reduced. However, this application has amended the site layout, proposing an angled rear garden, allowing for some external amenity area to be retained (approx. 39m²) for the rear flat of no.55 Shakespeare Road. Thus, retaining a policy compliant external amenity area for this residential unit, thereby addressing the previous reason for refusal.

To conclude, the proposal would fail to provide adequate internal living accommodation for future occupiers, in that it would not meet the minimum space standards as set out within the NDSS, thus not addressing the former 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.

Reason for refusal (no.4) of planning application "F/22/92867" read:

The proposed dwelling, by reason of its scale, siting and close proximity to the eastern and southern boundary, would result in a sense of enclosure creating an unacceptable and overbearing impact upon the amenities of the occupiers of no.55 Shakespeare Road and no.2 Arthur Road. The proposal is therefore contrary to Policy DM1 of the Submitted Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the provisions of the NPPF (2021).

The proposed dwelling would be separated by approx. 1.8m from the neighbour to the east (no.55), with the shared boundary being approx. 0.95m from the corner of no.55 Shakespeare Road, thus the proposal would be within close proximity of this neighbour. In terms of outlook and light, no.55 Shakespeare Road has windows on the northern side elevation which would overlook the site. The proposed dwelling would not have any windows at first floor level so there would be no concern in terms of inter-overlooking, however there would be concern with regard to the outlook of no.55, and the loss of light, as a result of the close proximity of the proposal to this neighbour.

Turning to the physical built form, there is concern with regard to the dominance of the proposed building, owed to its dimensions and close proximity to the neighbouring property. From the previous application "F/09/65030" (which permitted the retrospective conversion of no.55 Shakespeare into 2no. flats) it is noted that the access for Flat 1 is via the rear, thus any occupier would need to utilise the side access with the proposed dwelling within immediately close proximity. This access would not be welcoming and would create a sense of enclosure given the eaves would measure approx. 4.8m and the proposal would be less than 1m from the shared boundary. The proposal as a result of its cramped plot, and excessive dimensions is also considered to further impact the external amenities of the flat to the rear. Whilst providing policy compliant external amenity space for Flat 1 (no.55 Shakespeare Road), the proposed dwelling would have an imposing impact upon the external amenity area and would be visually dominating, thus would not be acceptable.

The proposed dwelling would be set in approx. 5.7m from the southern boundary. The neighbour to the south/east (no.2 Arthur Road) would have some rear garden which would

boarder the application site in part. There appears to be some outbuildings tight to this shared boundary within the neighbouring properties garden, which would provide further separation and some mitigation towards the proposed development. Whilst not an ideal or neighbourly relationship, it is not considered that this would warrant reason for refusal, in terms of physical impact upon this neighbour. Furthermore, it is noted that the proposal would have 2no. windows at first floor level, serving a bedroom and bathroom. Whilst this could result in some overlooking, this type of relationship is not uncommon within urban environments.

With regard to the neighbouring property to the west (no.57 Shakespeare Road), the proposed boundary treatment would be set in approx. 2.4m to the east, with the host dwelling being set approx. 3.2m from the boundary (cumulatively 5.6m from the neighbouring property). The dwelling does not propose any windows at first floor level, only 2no. windows at ground floor level serving a lounge and WC. Due to their location, at ground floor level, and the type of rooms they serve, these are not considered to have an adverse impact upon the amenities of the neighbouring property.

To conclude, the proposed dwelling is considered to result in an adverse impact upon the amenities of the neighbouring properties to the east and would therefore be recommended for refusal.

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, whereby they have raised no objection in terms of access, given that this is via an existing dropped kerb. Concern has, however, been raised with regard to parking, which is ultimately for the LPA to assess.

Parking and access have previously been raised as concerns warranting reasons for refusal as part of the previous schemes:

The second reason for refusal of planning application "F/18/83334" reads:

The proposed development fails to provide adequate provision for on site car parking which would encourage the parking of vehicles on the public highway and so interrupt the free flow of traffic and cause a hazard to road users. As such the proposal is contrary to Saved Policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011].

Reason for refusal (no.5) of planning application "F/22/92867" reads:

The proposed dwelling, due to its siting would result in the unacceptable loss of the 2no. existing parking provisions required for no.55 Shakespeare Road. Further, insufficient information has been provided with regard to safe access to the site, specifically relating to the implications upon the existing bus stop. The proposal is therefore contrary to Policies DM1, DM13 and DM14 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the NPPF (2021).

With specific regard 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 layout of the proposed block plan has been altered since the previous schemes, whereby the parking provisions would be located in tandem to the west of the proposed dwelling, thus according within the Council's SPD.

Further, the proposals would be located where the occupiers of no.55 Shakespeare Road currently park their vehicles. Therefore, whilst providing 2no. parking provisions for the proposed development, this would result in the loss of 2no. existing parking provisions, which have not been addressed. The proposal combined with the existing parking provisions would result in 4no. parking provisions, however, the proposals would ultimately result in a loss of 2no. spaces. As a result, the proposals would fail to comply with SPD in that the occupiers of no.55 Shakespeare Road would effectively lose their existing parking arrangement, which has not been displaced.

With regard to bin and cycle storage, it is noted that this has been identified on the proposed block plan. 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, the proposals would result in the unacceptable loss of parking provisions for no.55 Shakespeare Road, and therefore would be contrary to the abovementioned Policies and SPD, thus warranting reason for refusal.

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.

Reason for refusal (no.6) of planning application F/22/92867 read:

Insufficient information has been provided to demonstrate that there would be no adverse impact upon the existing street tree, which makes a positive contribution to the character and appearance of the area, as a result of the location of the proposed driveway. As such, the proposal is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Trees and Development SPD (2021) and the provisions of the NPPF (2021).

The site layout has been amended, whereby the vehicular access is now as existing, thus not changing the impact upon the existing street tree. As a result of this, the Council's Arboricultural has raised no arboricultural objection to the proposals.

The Council's Ecologist advised that boundary hedging and trees should be flowering species that will provide resources for pollinators and fruit for birds and wildlife. They also advised that bird and bat boxes be built into the proposed dwelling itself (if possible), and close board fencing should have gaps for small mammals (hedgehogs). Had the proposals have been acceptable in other regards these factors could have been conditioned.

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 highlighted that new residential development can have an adverse impact upon the European protected Solent Complex and River Itchen SAC, for the features for which they are designated, through phosphate and nitrogen loading resulting from additional sewage generated from future residents. These impacts under the Conservation of Habitats and Species Regulations 2017 are required to be mitigated in order for development to be acceptable. No mitigation has been proposed or secured as part of this application.

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.

Other Matters

The agent submitted amended plans (received 30 January 2023). These plans had inconsistencies in terms of the siting of the proposed dwelling and parking provisions. Further, the amendments did not address previous concerns. The agent has therefore

been informed that the application will be determined with the originally submitted plans (received by the LPA 23 December 2022).

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 scale and inappropriate siting would result in the unacceptable overdevelopment of the site and the creation of an unduly cramped layout. This in turn would appear as a visually intrusive, oppressively prominent and incongruous form of development which would be at odds with and have an unacceptable adverse impact upon the streetscene. The proposals are

therefore contrary to the requirements of Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the provisions of the NPPF (2021).

- 2) The proposed dwelling fails to provide an appropriate standard of internal living accommodation for future occupiers, contrary to Policy DM30 of the Eastleigh Borough Local Plan (2016-2036), the NDSS (2015) and the provisions of the NPPF (2021).
- 3) The proposed dwelling, by reason of its scale, siting and close proximity to the eastern boundary, would result in a sense of enclosure creating an unacceptable and overbearing impact upon the amenities of the occupiers of no.55 Shakespeare Road. The proposal is therefore contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the provisions of the NPPF (2021).
- 4) The proposed dwelling, due to its siting would result in the unacceptable loss of the 2no. existing parking provisions required for no.55 Shakespeare Road. Thus, would fail to provide adequate provision for on-site car parking which would encourage the parking of vehicles on the public highway and so interrupt the free flow of traffic and cause a hazard to road users. The proposal is therefore contrary to Policies DM1, DM13 and DM14 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the NPPF (2021).
- 5) 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), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen and phosphate 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 ☒