

DELEGATED OFFICER REPORT

Application Ref: F/22/94046

Site Address: 49 Bishopstoke Road, Bishopstoke, Eastleigh, SO50 6BF

Case Officer: Summer Sharpe

Description: Erection of two-bedroom detached dwelling in garden of existing property.

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Flood Zones 2 & 3 • Bishopstoke Conservation Area • HCC Archaeological Area • HRA Screening • To the north is countryside and heritage assets (Conservation Area & Grade II Listed Building; Bishopstoke Manor) • To the immediate west is the River Itchen (SAC, SPA, Ramsar, River & SSSI) • To the west is countryside, settlement gap & public open space • TPO area Order (69-H) to the north and west		

Planning History?	Yes ☒	No ☐
Application no.	Proposal	Decision
Z/27504/000/00	Erection of a detached house and garage	Refused (May 1984)
Z/27504/001/00	Erection of semi-detached house and garage	Permitted (October 1985)
C/04544/005/00	Alterations and extensions to create 5no. 2 bed flats on three storeys with car parking at front and rear.	Withdrawn

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>2no. Comments:</u> 1no. comment noted that there was a discrepancy in the submission and were unclear whether the proposals were for a 2 or 3 bedroom dwelling. The other comment raised concern with access and contributions, as the proposed access would cross the forecourt area for Flats 1-5, 51 Bishopstoke Road. Concern was also raised with regard to utilities and where sewage would be discharged.		
Parish Council:	None received.		
EBC Ecology:	<u>Comments 16 January 2022 (following additional information)</u> I have reviewed the response to the ecology comments and my advice has not changed. The existing dwellings would not have been permitted with current policies and a new dwelling represents an increased impact. The impact of dwellings so close to the River Itchen riparian zone is not acceptable. <u>Comments 14 December 2022 (updated/ amended comments)</u> Objection – the proposals are contrary to Policy DM11 and NPPF (paragraph 174). It is a requirement for all planning applications to demonstrate biodiversity net gain, no net gain is shown in this application. Due to the extension of the building footprint and the proposed		

impacts on the trees, this proposal would result in biodiversity net loss. There would be a significant and unacceptable impact on the trees from the proposed pruning. Dead and decaying wood is good for biodiversity as it provides habitat and food for a wide range of wildlife. The original application for 49 Bishopstoke Road was permitted in 1985. It would not have been permitted under current planning legislation. Extending any built development even close to the River Itchen SAC is not acceptable.

A buffer to the River Itchen SAC (chalk river BAP habitat) is essential to maintain water quality and integrity of the riparian habitat. The 8m buffer shown on the plans should be measured from the top of the riverbank but appears to be measured from the waters edge, so it would not be 8m (may be closer to 5m) if measured correctly. The driveway cuts into this buffer zone even further.

The Flood Risk Assessment by UNDA (August 3033) considers the application to be suitable in flood risk terms. The site is located partially within Flood Zones 1, 2 and 3 and is classified as "more vulnerable" (residential). The FRA states that *post development, the site will become "more vulnerable" (residential) throughout*. Pollutants from the house, driveway and garden could get washed into these protected waters during a flood. The likelihood of flooding will increase due to climate change. The Flood Risk Assessment considers the application to be suitable in terms of flood risk. The NPPF states that *The assessment should demonstrate to the LPA and EA how flood risk will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its potential users*. Future occupants of this proposed dwelling will be more vulnerable than the current application. There is no justification for additional development on this site.

The only information provided on surface water drainage was *All surface water runoff generated by the proposed development up to 1:100 year rainfall event (plus climate change) will be stored on site, prior to being discharged*. To prevent pollution of the River Itchen SAC we need to determine the level of pollution expected in the surface water drainage, how it is proposed to be stored on site, what volume of water is proposed to be stored, where it is proposed to be discharged, and at what rate is it proposed to be discharged? The discharge rate must not exceed the greenfield runoff rate expected at this site. What is/ are the route(s) which would be followed by exceedance flows?

The distance from the rear of the proposed dwelling may only be 5.5m from the woodland edge to the north of the property. This lowland mixed deciduous woodland priority habitat and development must not be allowed so close to this woodland.

Comments 15 November 2022

I have reviewed the Ecological Impact Assessment by Lowans Ecology and Associates (September 2022). The recommendations in the report can be conditioned.

	Evidence of the protective barrier fence and straw bale bund listed in section 6.10 number 7 must be provided to the council before the commencement of works. I have reviewed the Flood risk assessment by UNDA (August 2022). This report and the planning statement both state that a site-based SuDS system will be used to manage surface water drainage. Specific details of this system are required. Landscaping should provide additional flowering plants with a wide range of flowering times to provide resources for pollinators and fruit and seeds for birds.
EBC Arboriculturalist:	<u>Comments 11 January 2023:</u> I have now had a chance to review the additional information submitted within the letter (ref. 22113-Let1-151222-JB). Firstly, and for clarification, we had no issues identifying the fungal fruiting bodies mentioned in the Arboricultural Impact Assessment (AIA) and highlighted in the letter during our site visit. It is common ground that the fungal fruiting bodies exist, and that decay is present. However, what the applicant has not done, either in the AIA or letter, is suitably demonstrate that a 6 metre crown reduction is necessary – the extent of decay has not been quantified and thus it is unclear how they have arrived at the figure. Indeed, the author of the AIA, in relation to the fungal fruiting bodies, states that they were: <i>“unable to quantify significance from ground level”</i>. In addition, even if a reduction of the crown was agreed, the argument that the root volume is also reduced is too simplistic. Whilst it is true that a tree attempts to maintain a root:shoot ratio, it would be unlikely that the tree would give up root mass quickly. In the short-term, it would be more likely that there would be a decrease in root growth whilst it attempted to regain the photosynthetic area lost by the crown reduction. Therefore, the proposed traditional foundations could result in root severance within the RPA of T13, and raises concerns of carbohydrate loss, inhibited supply of water and nutrients and further pathogen entry. Neither the AIA nor the letter suitably alleviates these concerns. Therefore, we retain our objection to the proposal – the proposal is contrary to DM1 and the information and guidance provided in the Trees and Development SPD. <u>Comments 7 December 2022</u> Objection: The site has a significant linear tree feature on the western boundary, adjacent to the river. These trees are subject to a Tree Preservation Order. They provide high levels of visual amenity and are critical in the landscape of the Itchen. The first point of note is the extensive arboricultural work proposed to the trees. A critical example is to T13 because the proposed dwelling would be situated within its RPA. The arboricultural consultant has identified <i>Ganoderma</i> fungal fruiting bodies on the main stem, but has not quantified the extent of strength loss. The

	resultant proposed pruning would be considered extreme in the absence of any date. A 6m reduction in height and up to 5m lateral reduction (depending on the side of the canopy) would remove large amount of photosynthetic area and leave a significant total pruning wound area. this would impact on both the longevity of the tree and its short-term amenity value. As the proposed mitigation for the encroachment into the RPA of T13 – or lack of it – depends on the pruning, we would not be supportive of the proposal as it currently stands because the report does not demonstrate the need for extensive pruning work. The encroachment into the RPA of T13 is significant and is contrary to Policy DM1 and the information and guidance in both the Trees and Development SPD and BS5837:2012. The report has not suitably demonstrated that the proposal can be constructed without significant harm to T13. The focus on T13 should not negate the fact that there are other trees that should be considered a constraint. For example, the ability to upgrade the existing driveway will have to be demonstrated – we recognise the use of cellular confinement can work in situations like this, but it will have to be evidenced for this site, specifically. Further, as per the Highways Officer's comments, we have concerns regarding any amended plans coming forward increasing the driveway area. Finally, we would also have concerns for post-occupancy dominance and shading from the tree feature. The trees would be in close proximity to the dwelling, dominate the site and shade a significant proportion of any recreational space. It would be dereliction of our duty to allow obvious post development pressures to be borne from these proposals.
EBC Environmental Health:	Provided a condition is included for cumulative noise impact assessment and fenestration and roof sound insulation to comply with the Local Planning Authority's noise limits for road traffic, aircraft and other ambient noise including stray commercial or industrial noise, and community facilities, we would do not object to the planning application. Our noise limits are per BS8233 "Guidance on sound insulation and noise reduction for buildings". The applicant will need to make some adjustment to present day aircraft noise levels to allow for future increase in aircraft noise due to the airport's planned expansion and intensification in use. We advise the applicant to engage a professional acoustician or consultant to help with this and refer to the airports forecasted noise emission contours. Regarding vehicular emissions, there would be adequate set back from Bishopstoke Road for dilution and dispersion such that Air Quality Objectives are unlikely to be exceeded. We do not see a need to assess air quality in this case. A CEMP may be required by colleagues, and we ask for this to include for pollution control in proportionate detail

	for protection of dwelling not in the applicant's ownership or occupation.
EBC Conservation:	No objection: The form and massing of this proposal are entirely appropriate for the setting, forming a subservient bookend to this line of buildings, helping it to merge more gracefully into the countryside while presenting a low-key road elevation, so it will hardly notice from the front and a live elevation toward the countryside gap facing those who approach from Eastleigh, giving a wrap-around finish to this block of built form.
Hampshire Highways:	No objection in principle, however, it is noted that the proposed driveway parking for the required two vehicles is relatively long and will require an elongated reverse into the existing shared parking area where it is assumed vehicles can turn accordingly (please confirm if this is not the case). Whilst this movement is acceptable and allows for forward gear access and egress onto the highway, it may be beneficial to either reduce the new driveway length with a path onwards leading to the front door or provide an adequate area within which vehicles can turn at the head of the new driveway – space permitting. The Case Officer may wish to consider this, as it could be beneficial to future users.
Natural England:	Standing advice.
HCC Archaeology:	None received.
Environment Agency:	The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included. <i>The development shall be carried out in accordance with the submitted floor risk assessment (Produced by UNDA ref: 91927-ABPlanning-BraesideHs v1.0 040822 and dated August 2022) and the following mitigation measures it details:</i> <i>Finished floor levels shall be set no lower than 11.95 metres above Ordnance Datum (AOD) as set out in section 6.3 of the FRA.</i> <i>These mitigation measures shall be fully implement prior o occupation and subsequently in accordance with the scheme's timing/ phasing arrangements.</i> <i>The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</i>
HCC Flood & Water:	None received.
SSE:	Please see online comments.
SGN:	Please see online comments.

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), S8 (Historic environment), DM1 (General development), DM2

(environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM8 (pollution), DM11 (nature conservation), DM12 (Heritage), DM13 (transport), DM14 (parking), DM23 (residential development within urban areas), DM30 (internal space standards), and DM38 (funding infrastructure).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Trees and Development; Biodiversity.

Site Visit

Yes ☒

No ☐

8 November 2022.

Assessment:

Site & Surroundings

The application site is located to the north of Bishopstoke Road, situated on the south-western corner of the Bishopstoke Conservation Area overlooking the adjoining Itchen Navigation to the west with the boundary of the conservation area on the other side of the River Itchen. Further north are the fishponds within the grounds of Grade II Listed Bishopstoke Manor with the B3037 main road through Bishopstoke to the south.

The northern side of the main road consists of a row of some twelve buildings which used to end with the corn mill at the eastern end and has this application site at the western end. The buildings are of various ages with this closest neighbouring building the most modern and marking the entrance to Bishopstoke when leaving Eastleigh. The site is therefore important as the gateway to Bishopstoke.

The application site specifically comprises a piece of land to the west of the existing building which consists of a two-storey end of terrace dwelling. This building has a variety of roof forms; part hipped and some gabled elements and is finished in brick work with white fenestration. The building is served by a driveway and is bound by low level brick wall and railings above to the southern boundary (fronting Bishopstoke Road). To the west of the application site is the River Itchen (SAC), there is no formal boundary treatment, albeit noted that there are some trees (covered by a TPO). Due to the location, these trees have a high level of amenity.

Proposal

The application proposes the erection of a two-bedroom detached dwelling in the garden of the existing property. This would be situated to the north-west of no.49 Bishopstoke Road towards the sites western boundary which abuts the River Itchen.

The proposed dwelling would have a footprint of approx. 56m² and would be two-storey in nature with a maximum height of 7.7m with a barn-hipped style roof form. The proposed dwelling would have eaves which measure approx. 4.1m in height. There would also be a small balcony area at first floor level which would project approx. 1m from the rear elevation and would have a footprint of approx. 2.8m². The proposed dwelling would be finished in facing brick work (with dentil course below eaves), with a clay tiled roof, aluminium windows and bi-fold doors (colour unknown), and doors solid painted hardwood (colour unknown). There would also be guttering and fibre cement, however limited details have been provided.

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.

Design & Impact upon Conservation Area

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. Policy DM12 stipulates that development of a heritage asset would only be permitted where the proposals do not harm or detract from the significance or special interest of the asset.

The application site also falls within the "Bishopstoke" Conservation Area. Thus, triggering Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires the local planning authority, or as the case may be, the Secretary of State, pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Starting with the layout, the proposed dwelling would be situated to the immediate north-west of the existing end of terrace dwelling. The proposal is considered to appear discordant in this location as it is set back, almost behind the rear of the neighbouring dwelling, creating a significant staggered relationship, not reflective of the established building line along the northern boundary of Bishopstoke Road. Further and as will be expanded upon within the ecology and trees section of this report, there is concern with regard to the layout, whereby the proposed dwelling would be situated within close proximity to a number of trees (covered by a TPO) as well as being (less than) 8m from the River Itchen. 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 trees, as development either abuts or partly falls within the denoted RPAs. Further, works are proposed to be undertaken to the TPO'd trees, thus it would be considered that the proposals have given little consideration for these protected trees and their positive visual contribution towards the amenity of the area. Ultimately, the proposals would result in a cramped arrangement along the western boundary, encroaching unacceptably towards the existing TPO'd trees and also the River Itchen.

Turning to the dwelling itself, it is acknowledged that the Conservation Officer raised no objection, noting that the form and massing of this proposal are entirely appropriate for the setting. Whilst the LPA would not entirely agree with this statement, it is acknowledged that the design of the proposed dwelling would seek to reflect existing built development

within the immediate vicinity and therefore in isolation could be appropriate. However, the proposal must be read within the wider context, taking into account the close proximity of the TPO'd trees and River Itchen, thus and given the lack of buffer, the proposals are not considered to be acceptable.

As a result of the location and siting, the proposed dwelling would be visible from public vantage points, namely from the public footpath along the River Itchen (to the west), however would also be visible from other wider public vantage points to the south. As such, and during the site visit, the Officer walked part of the public footpath along the River Itchen, obtaining clear views into the application site. It was noted that there was an existing single storey garage which provided a transition from built development to amenity land and then the River Itchen. The proposed dwelling would encroach further towards the River Itchen than the existing garage, as well as the proposal being two-storey in nature, which is considered to result in a harmful lineation within an unacceptably close proximity to the River Itchen.

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 of the development, lack of buffers and its close proximity to protected trees and the River Itchen, the proposal is considered to result in an incongruous addition, creating a cramped layout, detracting from the established grain of development, thus would have an adversely harmful impact upon the streetscene.

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, which 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 two-storey dwelling, whereby the NDSS requires between 70m² – 79m² for a property of this size. From the submitted plans the ground floor would measure approx. 56m² and the first floor would measure approx. 54m², thus would cumulate to an overall footprint of 110m². Further to this, bedroom 1 would measure approx. 17.3m² and bedroom 2 would measure approx. 10.7m². As such, bedroom 1 would exceed double person occupancy and bedroom 2 would exceed single person occupancy but would fall short of double occupancy. Further, from the submitted floor plans and elevations, it appears that each habitable room would be served by a window, thus would provide adequate natural light.

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. Further and in this instance, the 60% amenity space would also be applied to the retained dwelling. From the submitted plans it is difficult to calculate these measurements. However, it appears that the proposed dwelling and neighbouring property would have a policy compliant amount of external amenity space.

Further, due to the nature of the proposals, the Council's Environmental Health (EH) Team have been consulted. They have advised that providing a condition in relation to

cumulative noise impact and fenestration and roof sound insulation is imposed to comply with the LPAs noise limits for road traffic, aircraft and other ambient noise they would not raise an objection. In terms of vehicular emissions, EH are satisfied that there is enough set back from the main road. Further, they noted a CEMP would be required, whereby other consultees comments should be included, as well as pollution control in proportionate detail for protection of dwelling not in the applicant's ownership or occupation. Had the proposals have been acceptable in other regards this information could have been sought or secured via appropriately worded conditions.

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 proposed dwelling, the only neighbouring residential property which is likely to be impacted upon is no.49 Bishopstoke Road to the immediate east of the application site. The proposed dwelling would be located to the north-west of 49 Bishopstoke Road, and as a result of this siting, the proposal would form the majority of the western boundary of no.49s rear garden. The proposal would span a length of approx. 8.6m along the western boundary with a maximum height of 7.7m and eaves of approx. 4.1m. This eastern elevation of the proposed dwelling is predominantly blank but has 1no. high level window at ground floor level (approx. 2m above ground level) and a small balcony at first floor level.

The proposed dwelling would therefore represent a harsh and overbearing form of development forming a large part of the western boundary of no.49s rear garden. The Council's Quality Places SPD sets out the importance of external amenity areas, and notes that proposals should not have an adverse impact upon the enjoyment of neighbouring properties external amenity. The proposed two-storey dwelling would introduce a significant amount of bulk/ massing tight to the shared boundary and is therefore considered to result in a detrimentally harmful impact upon the amenities of the neighbouring properties to the east by way of being overbearing and creating a sense of enclosure. Furthermore, the proposed balcony at first floor level would offer clear views into the neighbouring properties rear garden thus also resulting in a loss of privacy. Ultimately, the proposed dwelling is considered to result in an adverse impact upon the amenities of 49 Bishopstoke Road 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. The LHA raised no objection in principle, however, noted that the proposed driveway parking for the required two vehicles is relatively long and will require an elongated reverse into the existing shared parking area where it is assumed vehicles can turn accordingly. Whilst the parking accords with the Council's Parking SPD, the LHA have raised slight concern with regard to the layout. Had the proposals have been acceptable in all other regards, an amended parking plan could have been requested/ provided to address this concern.

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. Had 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.

This Policy is broken into 8 subsections, the above outlines subsection 1 explaining the 'general approach'. Subsections 2 and 3 relate to 'international designations' specifying that proposals *preserve the water quality and flows within the Itchen and Hamble, Southampton Water and Solent*. Subsection 5 relates to 'priority habitats, protected and priority species and the local ecological network', this specifically sets out that *development will not be permitted unless it can be demonstrated (amongst other matters) measures are taken to mitigate or compensate for the adverse effects, there is an overall biodiversity net gain, and any residual adverse effects of the development clearly outweigh the adverse effects*. Subsection 7 relates to 'buffers' noting that these should be provided to designated sites to avoid/ mitigate impacts.

Paragraph 174 of the NPPF also relates to the natural environment, whereby this states that planning policies and decisions should contribute towards and enhance the natural and local environment by a number of ways, the following points from this paragraph have been identified as being relevant to this specific planning application:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.*

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

The Council's Arboriculturalist raised an objection to the proposals. They noted that extensive tree work is proposed to the trees on site, and also honed in on the harm arising with regard to T13, as the proposed dwelling would be situated within its RPA. Whilst it is acknowledged that *Ganoderma* fungal fruiting bodies on the main stem of this tree has been identified, this has not been quantified in terms of the extent of strength loss. The Council's Arboriculturalist therefore concludes that the proposed pruning works would be excessive leaving a significant pruning wound, whereby these works could impact the longevity of the tree and its short-term amenity value. Further, the mitigation for the

encroachment into the RPA of T13 is dependent on pruning works. As noted, the Council's Arboriculturalist would not be agreeable to the pruning works, as no evidence has been provided to demonstrate these works are appropriate, nor has it been evidenced that the proposal can be constructed without harm to T13.

The Council's Arboriculturalist also went on to note that there are other trees on site which also represent constraints which need to be fully considered. In terms of the existing driveway, whilst it is acknowledged that cellular confinement can work, evidence would need to be provided to demonstrate that the use of cellular confinement could work in this specific instance. Furthermore, there were also concerns raised with regard to post-occupancy dominance in terms of shading from the existing trees, due to their close proximity to the proposed dwelling. They noted that the trees would dominate the site and shade a significant proportion of any recreational space, thus could create pruning pressures in the future.

The site has a significant liner tree feature along the western boundary adjacent to the River Itchen. The trees are subject to a TPO and provide high levels of amenity and are considered critical in this landscape. The proposed works fail to take into account the importance of the TPO'd trees. This approach is completely contrary to the guidance set out within the Council's Trees and Development SPD which 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), this is also contrary to BS5837:2012 and is in conflict with the aims and objectives of Policy DM1.

The Council's Ecologist originally advised that the recommendations in the Ecological Impact Assessment could be conditioned, however further information was requested in relation to surface water drainage. Following further review and assessment, the Council's Ecologist has raised an objection to the proposals as a result of the close proximity of the application site to the River Itchen.

Firstly, the Council's Ecologist noted that the proposals show no biodiversity net gain. As a result of the building footprint and impact upon the trees, the proposals would result in a biodiversity net loss. There would also be a significant and unacceptable impact upon the trees from proposed pruning, (as also noted by the Council's Arboriculturalist) as the trees (including dead and decaying wood), are good for biodiversity as it provides habitat and food for wildlife.

Further, the River Itchen is a designated SAC (Special Area of Conservation) (chalk river BAP habitat) whereby it is essential to maintain water quality and integrity of the riparian habitat. An 8m buffer is shown on the proposed plans, however concern has been raised as to where this has been measured from. Irrespective of this, it is not considered that this spacing between the proposed dwelling and the River Itchen SAC provides a sufficient buffer.

In addition, the distance from the rear of the proposed dwelling would be approx. 6m from the woodland edge to the north. The lowland mixed deciduous woodland is priority habitat and development must not be allowed so close to this woodland. Again, as noted within the design section, the cramped layout is not appropriate in either design terms or ecologically as there are a lack of buffers separating the proposed development and, in this instance deciduous woodland.

Ultimately, both consultees raised an objection concluding that the proposals would be contrary to DM1 of the Local Plan. The agent then provided additional information in response to the Council's Arboriculturalist and Ecologist. The additional information comprised a letter in relation to trees referenced (22113-Let1-151222-JB) (dated 15 December 2022), and a letter dated 17 December 2022, in relation to ecology matters.

The Council's Arboriculturalist's commented on the submitted tree letter noting that it failed to demonstrate that a 6m crown reduction is necessary, as a result of the lack of information provided in terms of the extent of decay. The ecology letter states that there is biodiversity net gain in the form of: integrated bird, bat and bee boxes, and an area for hedgehogs. However, from the Council's Ecologists original comments, it is not considered that the addition of these elements would result in biodiversity net gain. The letter also advised that the closest point of the driveway to the river would be 5.4m and that measures have been proposed within the working methodology to ensure the River Itchen is protected. The Council's Ecologist reviewed this information and reiterated that the proposed development was too close to the River Itchen riparian zone. Ultimately, the Council's consultees stance (set out in full in the publicity section of this report) remained unchanged and both maintain their objection, despite this additional information.

As such, the proposals are considered to result in adverse harm upon TPO'd trees and the River Itchen (SAC), thus would be recommended for refusal.

Flood Risk & 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. DM8 of the same Plan stipulates that development will not be permitted if it is likely to cause loss of amenity or impact upon public health or other unacceptable environmental impacts; including pollution of surface, underground, coastal waters or other watercourses.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 states there is no requirement to consult the Environment Agency for minor development within Flood Zone 2 or 3, however, paragraph 167 of the National Planning Policy Framework (NPPF) (2021) states all applications should be supported by a site-specific flood-risk assessment but in this instance a sequential or exception test is not required. In this instance the Environment Agency has been consulted and a Flood Risk Assessment has been submitted as part of this application.

This application relates to the erection of 1no. detached dwelling, which is classified as being 'more vulnerable' in the flood risk vulnerability classification set out in the National Planning Practice Guidance. However, and having regard to the flood risk vulnerability and flood zone compatibility set out in Table 3 of the National Planning Practice Guidance, the development is deemed appropriate.

The Council's Ecologist provided comments upon the Flood Risk Assessment. They noted that pollutants from the house, driveway and garden could get washed into protected waters (River Itchen (SAC)) during a flood. The likelihood of flooding will increase due to climate change. They raised concern and noted that there was a lack of justification for the additional residential development. Furthermore, limited information was provided with regard to surface water drainage and the potential impact this could have upon the River Itchen (SAC).

The Environment Agency were also consulted as part of this application. They advised that the proposed development would only be acceptable subject to a specific condition (as laid out above).

This additional information has not been requested. It should be noted that had the application have been acceptable in other regards this information would have been requested. However, in the absence of this information, this will form a reason for refusal.

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 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 advised that they would be looking to purchase 'nitrate credits'.

In addition to additional nitrogen output, 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. Due to the close proximity to the River Itchen, mitigations would also be required to offset the development, none of which have been provided.

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, lack of buffer and close proximity to the existing TPO'd trees and River Itchen (SAC) to the west, would result in an unacceptably cramped layout and would undermine the positive contribution that the site presently makes to the character of the area, currently

comprising a buffer to protected trees and the designated River Itchen (SAC). 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 (2021) and Biodiversity (2009) SPDs and the provisions of the National Planning Policy Framework (2021).

- 2) The proposed two-storey 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 and loss of privacy, as a result of the balcony, upon the amenities of the occupier of 49 Bishopstoke Road. The proposal is therefore contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the contents of the National Planning Policy Framework (2021).
- 3) The proposed dwelling, due to its close proximity to the TPO'd trees along the western boundary, being situated within the RPAs, and in combination with the excessive proposed pruning works, would have an adverse impact upon the protected trees in terms of their health and longevity, as well as the positive contribution they make towards the visual amenity. The proposals are therefore contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's adopted Trees and Development SPD (2021), and the provisions of the National Planning Policy Framework (2021).
- 4) The proposed development, owing to the close proximity to the TPO'd trees on 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 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).
- 5) Insufficient information has been provided with regard to flood risk and surface water drainage to ensure that there would be no adverse pollutants released into the adjacent River Itchen (SAC). This is as a result of the close proximity and lack of buffer of the proposed dwelling to the designated River Itchen (SAC) to the west. The proposals are therefore contrary to the requirements of DM1, DM3, DM6, DM8 and DM11 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the National Planning Policy Framework (2021).
- 6) 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 National Planning Policy Framework (2021) and the Conservation of Habitats and Species Regulations 2017.

Recommendation:

PERMIT ☐

REFUSE ☒