

DELEGATED OFFICER REPORT:**Application Ref:** F/23/94745**Site Address:** 3 WHALESMEAD ROAD, BISHOPSTOKE, EASTLEIGH, SO50 8HD**Case Officer:** Clare Martin**Description:** Erection of 1no. 3 bedroom chalet bungalow with parking, amenity space and access off Whalesmead Road

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Within New Forest SAC 13.8km catchment buffer • Within River Itchen SAC catchment		

Planning History?	Yes ☒	No ☐
• H/22/94001 - Loft conversion with rear dormer, side velux windows and single storey side and rear extension – Permitted (Dec 22)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations: (summarised)	<u>1 letters of objection (174 Fair Oak Road)</u> • Loss of light from south facing bedroom and bathroom windows of no.174. • Proposed upstairs windows will overlook no.174 back garden. • Dwelling will lead to additional noise causing a nuisance. • Dwelling will lead to increased sewerage, that will exceed capacity of sewer pipe that comes through neighbour's property. • The proposed development is very tightly crammed in and there will not be sufficient parking space leading to additional on road parking. • There is a legal covenant preventing development on this site. <u>Local Planning Authority Response</u> • Comments regarding the light and outlook of no. 174 and car parking are noted and these issues are covered within the assessment section. • The noise from the new residents should not be significantly greater than for other properties within the residential area. The council also has separate powers under the statutory nuisance legislation to deal with unacceptable noise. • The addition of one property should not have a significant impact on the sewage system and can not be considered under the planning application. • The legal covenant is not a material planning consideration and will need to be investigated by the developer.		
Parish Council:	<u>No objection</u>		
Ecology Officer:	<u>No objection</u> <u>Surface Water Drainage</u> I have reviewed the submitted surface water drainage information and am satisfied that a suitable SuDS system can be designed for this proposal. A detailed surface water drainage plan, designed by a specialist as noted on the plan, can be conditioned.		

	<u>Biodiversity</u> There are records of bats, common toads and hedgehogs near this site and a Preliminary Ecological Appraisal report has been submitted for the development. The biodiversity enhancement recommendations in the report included provision of 2 bee bricks, 1 swift nest box, a hedgehog nest box, and at least two hedgehog holes in the gravel boards of any closed board fences to allow free passage of small animals through the gardens. <u>Biodiversity advice</u> - The advice from Swift Conservation is that swift nest boxes are best positioned under the eaves or on walls facing north, northeast or north-west out of direct sunlight, five metres above the ground, with clear adjacent airspace so swifts can access them in a high-speed direct flight. (https://www.swiftconservation.org/Nestboxes%26Attraction.htm). It is not clear from the proposed elevations whether this will be possible. Advice can be obtained directly from Swift Conservation as to the most appropriate location for a swift nest box on this property. - A bat box may be more practical for this site. The Bat Conservation Trust recommends installing a bat brick/box at least 4 m above the ground, away from artificial light sources, sheltered from strong winds and exposed to the sun for part of the day, facing south, south-east or south-west. (https://www.bats.org.uk/our-work/putting-up-your-box). - Flowering plants and shrubs that would attract pollinators and provide food for wildlife should be included in the garden. - The site photos show some opportunities for nesting birds in the garden. Any vegetation that might support nesting birds must only be cleared outside of bird nesting season (March through August inclusive) or after a check for nesting birds. Birds sometimes nest in sheds and summerhouses. These were mentioned in the PEA report but not described or photographed. - If evidence of an active bird's nest is found during construction, a 5 m buffer must be erected around the nest to protect it from disturbance until after the chicks have fledged and left the nest.
Tree Officer:	<u>No objection</u> – subject to condition requiring tree protection measures to be installed as set out within arboricultural report. The site does not contain any significant trees, although there are a few ornamental ones scattered throughout. Ultimately, there are no arboricultural concerns given the existing site's arboricultural features, but we will still request that any granting of permission is in compliance with the submitted arboricultural documentation.
Transport Officer (HCC):	<u>No objection</u> to the proposals from a highway perspective, subject to the minor widening of the existing drop kerb / vehicle crossover being undertaken, as shown on the Site, Block and Location Plan (Drw. 9687/100 Rev B(Feb 2023)). This vehicle access will then be acceptable to easily access the driveway of the proposed dwelling, where the required 2 vehicle parking spaces are located with an additional area provided for onsite turns or additional visitor parking.

	The existing dwelling will retain the secondary vehicle access / drop kerb, which again provides parking for the required 2 vehicles. It should however be noted that subject to any planning permission that may be granted from EBC as Local Highway Authority, and additional permission will be required from HCC as Local Highway Authority to actually undertake the drop kerb works. Details of this process can be found via the following link: https://www.hants.gov.uk/transport/parking/droppedkerbs
Natural England	Objection We consider it will have an adverse effect on the integrity of The New Forest Special Protection Area (SPA), Special Areas of Conservation (SAC), and Ramsar. Further information is required on Eastleigh Borough Council's phosphorus mitigation scheme to overcome Natural England's concerns.

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 22/3/23		

Pre-commencement Conditions:	Yes ☒	No ☐
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i>

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
Principle The site is within the urban edge where the principle of development is acceptable, subject to the details complying with the relevant planning policies. Character and Appearance The proposal is a neatly proportioned three bedroomed chalet bungalow with a fully hipped roof, a small, flat roof, front and rear dormer window and matching front bay windows. The dwelling faces onto Whalesmead Road and includes parking/ landscaping to the front and a garden to the rear, which reflects the prevailing pattern of development. The property sits to the side of 3 Whalesmead Road, along the established building line, and is of a similar design and proportion to the adjoining bungalows. As such the proposal is considered to fit in with the character and appearance of the locality.

Living Accommodation

The proposal meets the nationally described spaces standards, which requires new two storey, three bed, dwellings to have a minimal internal floor area of 84m². The new chalet bungalow will be located in the existing property's garden, and both dwellings are required to have a private external amenity area of at least 60% of their floor space. The proposed and existing dwelling each have a rear garden that is around, or just under, the 60% mark. Although the rear gardens are small, they nevertheless provide useable private outdoor space and, this considered acceptable given that each property also has a landscaped front garden.

Parking

The proposal includes two tandem car parking spaces on a driveway at the side of the bungalow and space on the property's frontage to turn a vehicle. At the end of the driveway is a cycle store. The parking for the new dwelling accords with the Council's car parking standards for three bedroomed properties. The proposal will not affect the parking provision for the existing property.

Residential Amenity

The proposed dwelling will be sited next to the bungalow at 174 Fair Oak Road, with 4m to 5m separating the two buildings. The neighbouring bungalow appears to have its main windows on its other elevations with only a bedroom and a couple of small secondary windows on the southern elevation facing the application site. For bedrooms Quality Places SPD states *"Daylighting in bedrooms may also be considered but is generally considered less important except where this is the main private accommodation such as in residential Homes"*. Therefore, while it is recognised that the proposed dwelling would have an impact on the light and outlook currently received by the neighbour's bedroom window, the overall light and outlook to their main living spaces will not be affected.

Likewise, the side windows in the existing dwelling (at 3 Whalesmead) also appear to be secondary windows with their windows for their main living areas at the front and rear of the property.

In terms of privacy, the proposed dwelling has its main windows on the front and rear elevation. While the rear first floor dormer window will overlook the neighbouring gardens this is a bedroom window, rather than a main living area, and is a common layout within residential areas.

The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.

Other Considerations

- A basic surface water drainage plan has been provided and full details will need to be approved under a pre-commencement planning condition.
- A preliminary ecological assessment has been submitted and approved by the Council's ecology officer.
- The proposal will not impact upon any TPO trees or natural features worthy of retention.

Impact of SPA:

Recreational Disturbance

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within this catchment area are likely to result in additional visitors to the protected site. In order to mitigation for this impact the developer has paid a contribution towards the Council's New Forest Mitigation Strategy

(which provides Suitable Alternative Natural Green Spaces within the borough and contributes towards a ranger within the New Forest).

Nutrients

The site is within the impact zone for nitrogen and phosphorus, which has been shown to have a determinantal impact on the water quality of the River Itchen SPA. A nutrient budget has been submitted for the development and this has a positive output for both nitrogen and phosphorous. The applicant intends to use the Eastleigh Borough Council scheme to mitigate for these increases and this will be secured by a pre- occupation condition.

An appropriate assessment under the habitat regulations has been completed for the development and Natural England have confirmed that the Council's nitrogen mitigation is acceptable. Natural England have objected to the Council's New Forest mitigation scheme and have asked for additional information about the Council's phosphorus mitigation scheme. However, the Local Planning Authority, as competent authority, is comfortable that the new forest mitigation scheme and phosphorous mitigation scheme are acceptable and delivers the appropriate levels of mitigation.

Notice of the permission was given to Natural England on 2nd May 2023, in accordance with the Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended). The twenty one day notification period has now expired.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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, development plan and emerging plan policy 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging 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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted 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 reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...