

PLANNING STATEMENT

**Land at Nightingale Avenue,
Eastleigh**

**Erection of 2 no. Two Bedroom and 2 no.
One Bedroom Apartments**

1.0 Introduction

1.1 This Planning Statement has been prepared in support of a planning application for the redevelopment of an area of redundant land at the rear of Nightingale Avenue.

1.2 The applicant, Doswell Projects Ltd, is a local SME housebuilder, based in Chandlers Ford.

1.3 The proposals are for the re-development of the site to provide;

- 2no. one bedroom apartments;
- 2 no. two bedroom apartments
-

1.4 The application is supported by the following Statements and Reports;

Report	Author
Application Forms/Certificates	Doswell Projects Ltd
Design and Access Statement	OSP Architecture
Planning Statement	Doswell Projects Ltd
Transport Statement	Odyssey
Phase 1 Ecology Survey & Enhancements	AEWC
Drainage Strategy	Odyssey
Site Investigation	Soils Ltd
Landscape Plans	Deacon Design
Draft Heads of Terms	Doswell Projects Ltd
Air Quality Assessment	Hawkins Environmental Ltd
Arboricultural Assessment	Sapling Arboriculture Ltd

1.5 The application is also supported by the following drawings;

Drawing Title	Plan Number
Site Location Plan	S101
Coloured Site Layout	C102
Coloured Streetscene	C103
Coloured Elevations	C110
Proposed Site Plan	P102
Proposed Streetscene	P103
Proposed Plans and Elevations	P110
Existing Site Plan	S102
Existing Streetscene	S103
Existing Plans and Elevations	S110
Drawing Issue Sheet	Project 22206
Schedule of Accommodation	Project 22206

2.0 The Site

2.1 The site, which is owned by Eastleigh Borough Council, has a broadly square shape and measures approximately 0.06 hectares. It is accessed via a single width service road from Nightingale Avenue to the north.

2.2 The site currently comprises some dilapidated single storey buildings and self-seeded trees. It has a somewhat unsightly appearance and currently detracts from the visual amenity of the area.

2.3 To the north of the site is a parade of shops with residential accommodation above. This long terrace of units is three storeys high, with parking for 12 no. cars on its frontage.

2.4 To the east of the site are the two storey, semi detached and terraced properties in Magpie Lane. The gardens of these properties back on to the service road that provides access to the application site.

2.5 Immediately to the west of the site is the rear garden of 13 Falcon Square, a two storey, end of terrace dwelling.

2.6 To the south of the site is 15 Falcon Square. This two storey dwelling has a deep two storey rear extension that includes first floor windows in the northern elevation, facing towards the application site.

2.7 A sewer easement wraps around the eastern and northern boundaries of the site. This will, by necessity, influence the layout of any development at the site.



3.0 Site History

3.1 The site was recently the subject of planning application reference F/22/92348.

3.2 The application, which was submitted by VIVID Homes, proposed five apartments, comprising 2 no. one bedroom apartments and 3 no. two bedroom apartments.

3.3 The proposed apartments were arranged over 2.5 storeys. The building had a rectangular footprint and was positioned towards the eastern side of the site.

3.4 Parking and cycle/refuse storage was shown to the rear (west) of the building. Parking comprised a total of 7 no. spaces.

3.5 The apartments were shown to have no private or shared amenity space.

3.6 The building had a hipped roof with dormer projections in both the front and rear roof slopes. The eastern elevation also included first floor Juliette balconies.

3.7 The proposals were considered at the Eastleigh Local Area Committee on 15 November 2022, at which time, Members resolved to refuse planning permission for the following reasons;

1. *The proposal, due to the scale, height and design of the building and site layout, would be out of keeping and detrimental to the character and appearance of the locality and Aviary Estate Special Policy Area. The*

development is therefore contrary to Policies DM1 & E10 of the Eastleigh Borough Local Plan (2016-2036), The National Planning Policy Framework and the Council's Quality Places & Eastleigh Character Area Supplementary Planning Documents.

2. *The proposal development would be deficient in on site car parking and external amenity space and there is insufficient room on the site to meet these requirements. As such the proposal would amount to an overdevelopment of the site to the detriment of future occupiers of the development. The development is therefore contrary to Policies DM1 & DM14 of the Eastleigh Borough Local Plan (2016-2036), The National Planning Policy Framework and the Council's Quality Places & Residential Parking Standards Supplementary Planning Documents*
3. *The proposal development would be deficient in on site car parking and would therefore encourage the parking of vehicles on the service road and surrounding residential area and so interrupt the free flow of traffic and cause a hazard to existing road users. The development is therefore contrary to Policies DM13 & DM14 of the Eastleigh Borough Local Plan (2016-2036), The National Planning Policy Framework and the Council's Residential Parking Standards Supplementary Planning Document.*

4. *The proposed building due to its siting, layout, design, and positioning of windows would result in an unacceptable loss of privacy detrimental to the residents of 40 & 42 Magpie Lane. The development is therefore contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), The National Planning Policy Framework and the Council's Quality Supplementary Planning Document.*
5. *The application fails to provide for the required mitigation to offset the impacts of the development on the European protected sites (i.e., The New Forest Special Area of Conservation, Special Protection Area and Ramsar Site and the River Itchen Special Area of Conversation) from nutrient loading and recreational disturbance generated by the population increase resulting from the development. The application is therefore contrary to Policies S1, DM10 and DM11 of the Eastleigh Borough Local Plan 2016-2036, provision within the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017.*

The Refused Scheme

Refused Site Layout



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Refused Elevations



East Elevation



West Elevation



North Elevation



South Elevation

4.0 The Proposals

4.1 The latest proposals have been formulated after a number of months of co-operative negotiations with Council Officers.

4.2 The new plans have expressly sought to positively address the concerns previously raised by Members.

4.3 The next section of this Planning Statement takes each of the reasons for refusal in turn and provides commentary on how the scheme has been fundamentally re-considered to overcome the previous concerns.

Reason for Refusal 1

4.4 The first reason for refusal relates to concerns surrounding the design of the building, by virtue of its inappropriate scale and height, which was considered out of keeping with the local area.

4.5 The latest proposal reduces the number of units proposed from 5 no. to 4 no. Consequently, it has been possible to reduce the height of the building to just two storeys. Unlike the previously refused scheme, the building has a more domestic scale, more akin to the established character of the area which, for the most part, comprises two storey residential dwellings.

4.6 The proposed building is, therefore, no higher than the adjacent properties and it will complement the existing pattern of development in the locality. It contains no dormer windows, which is considered inappropriate in this location.

4.7 The latest building has been designed to 'read' as a small terrace of two storey dwellings (as opposed to an apartment block), which is reflective of the type of development found in Falcon Square and Magpie Lane.

4.8 Importantly, the northern and eastern elevations both contain entrance doors. This ensures that the building addresses both road frontages. Likewise, the position of windows has been carefully considered to ensure a suitable level of natural surveillance is achieved, including of the proposed parking area.

4.9 The elevations have been designed with due regard to the Aviary Estate Special Policy Area, with projecting gabled elements and simple but effective and well-proportioned elevations.

4.10 The building will be finished in a red brick with a tiled roof. The materials will be chosen to match those found within the Aviary Estate to ensure a suitable level of continuity is achieved.

4.11 Careful consideration has also been given to the siting of the building to allow for the provision of both parking (complimented by meaningful areas of soft landscaping) and private gardens.

4.12 Each of the 4 no. dwellings will have it's own area of useable private amenity space. The gardens can all be independently accessed via the apartment itself. This is considered a considerable improvement when compared to the previously refused scheme.

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4.13 The parking area at the front of the site has been designed to ensure that a suitable level of planting can be achieved (including trees). The planting will soften and enhance the overall appearance of the development.

Proposed Elevations



Front Elevation



Side Elevation A



Rear Elevation

Reason for Refusal 2

4.14 The second reason for refusal related to Members concerns that the development, by reason of an under provision of parking and lack of on-site amenity space, represented an inappropriate over development of the plot.

4.15 Accordingly, the number of units being proposed has been reduced from 5 no. to 4 no.

4.16 It was considered important to provide each apartment with its own private and independently accessible area of amenity space. The gardens have been positioned on the western side of the building, where they will receive good levels of afternoon sun. Notwithstanding the fact that Fleming Park is a very short distance away, it is considered important that each resident should be able to enjoy an area of outside space.

4.17 Parking has been provided on the eastern side of the site, comprising 6 no. spaces, to serve the 4 no. residential units. The parking provision for the site is addressed further below.

Site Layout



Reason for Refusal 3

4.18 Reason for Refusal 3 related to the under provision at the site and the implications this could have for parking on the service road and surrounding road network.

4.19 A careful balance had to be struck between the provision of private gardens and the need to achieve a suitable level of on site parking.

4.20 The development provides 6 no. car parking spaces for the proposed 4 no. apartments.

4.21 The site is located to the rear of the local parade of shops fronting Nightingale Avenue, including a hairdressers, café, pet store, convenience store/newsagent/off-licence, and an Indian and Bangladeshi take-away. The site is therefore well placed for local amenities.

4.22 To the west of the site, within a 1.2 to 2km walk or cycle of the site is Tollgate Business Park and Chestnut Avenue Retail Park, providing employment opportunities, as well as access to shops, including Aldi and Asda supermarkets. These services can also be accessed via the Bluestar 5 bus service, in close proximity to the site. The journey (without waiting time) is typically only five minutes, whilst it would also only be a seven minute cycle ride.

4.23 Eastleigh High Street and the Swan Shopping Centre are located 2km to the east of the site, accessible by cycle and public transport.

4.24 The site is also very well related to a number of well-serviced bus stops.

4.25 The closest set of bus stops are located within a 200m walk to the east of the site on Nightingale Avenue ('Nightingale Bridge' bus stops). These bus stops are serviced by 'Bluestar' routes 2 and 5. The Bluestar 2 operates at 20 minute intervals between Southampton and Fair Oak, via Eastleigh Town Centre, with the Bluestar 5 operating on an hourly basis between Boyatt Wood and Romsey, again via Eastleigh town centre.

4.26 The site is also very well located with respect to local schools and education, with Nightingale Primary School being located within a 650m (seven minute walk) to the west of the site, and Barton Peveril College located a 750m (eight minute walk) to the east of the site.

4.27 To the east of the site and within 350m walk of the site is a further pair of bus stops on Passfield Avenue ('Cedar Road' bus stops), which provide access to Bluestar 5 with an additional three bus services: X4, 407 and 408. The X4 provides hourly services to Eastleigh and Hedge End Town Centres, with the 407 and 408 providing school bus services to and from Barton Peveril College.

4.28 The site is therefore very well placed for future residents to make use of existing public bus services which, in turn, provide connections to rail services at Eastleigh, as well as other stations such as Southampton Central.

4.29 The site would be accessed from Nightingale Avenue via the rear access road between Falcon Square and Magpie Lane. The general arrangement of the site is presented in Drawing 21- 138-100E, together with swept path analysis of the proposed parking arrangement confirming that all the parking spaces are accessible. The parking spaces will be provided with electric vehicle charging in accordance with Building Regulations Document S.

4.30 Refuse collection is proposed to occur in line with the existing refuse collections for the flats to the north east of the site, with a refuse vehicle reversing from Nightingale Avenue towards the site. The proposed refuse collection arrangement is presented in Drawing 21-138-101C.

4.31 Swept path analysis of a pumping appliance has been conducted (Drawing 21-138- 103B). As can be seen, suitable access for a fire tender can be achieved on site.

4.32 EBC's Parking Standards are detailed within the 'Residential Parking Standards Supplementary Planning Document (SPD)' (January 2009), prescribing that one to three bedroom dwellings should be provided with two parking spaces, and that four or more bedroom dwellings should be provided with three parking spaces. In addition visitor parking should be provided at a ratio of 0.2 spaces per dwelling.

4.33 It is, however, noted in Section 8 of the SPD that for sites with a high level of accessibility, with regards to public transport services and local facilities, a lower residential parking standard can be applied if circumstances permit and/or there are incentives for lower car ownership.

4.34 The proposed development is being provided with a total of 6 no. parking spaces, comprising 1 no. allocated parking space per unit, together with 1 no. unallocated parking space and 1 no. visitor parking space.

4.35 The local area of the site (the Middle Super Output Area) has a lower car ownership compared to the whole borough;

Table 3.1: Car Ownership Data Review

Number of Cars Per Household	Car Ownership	
	Eastleigh Borough	Middle Super Output Area - Eastleigh 006
0	13%	24%
1	41%	44%
2	35%	25%
3	8%	5%
4 or more	3%	2%

Source: Office for National Statistics

4.36 Based upon the car ownership within the Middle Super Output Area it is forecast that the development proposal could generate a parking demand for five vehicles. The proposed provision of six parking spaces would therefore accommodate the expected parking demand, with an additional space available for visitor parking.

4.37 Consideration of the intended tenure of the dwellings (which are anticipated to be for affordable rent), should also be taken into consideration. Reviewing car ownership census data for the Borough, taking into account accommodation type and tenure (as presented in the Table below) shows that flats have

an overall lower car ownership compared to houses, and that rented dwellings have a lower car ownership overall compared to privately owned dwellings.

Table 3.2: Car Ownership By Accommodation Type By Tenure – Eastleigh

Number of Cars Per Household	1-3 Bedroom Households in Eastleigh			
	Houses		Flats	
	Owned	Rented	Owned	Rented
0	15%	32%	28%	44%
1	61%	52%	56%	47%
2	21%	15%	14%	8%
3	4%	2%	2%	1%

Source: Office for National Statistics

4.38 The proposed provision of 6 no. spaces is, therefore, considered to meet the development's required parking demand, without overspill onto the local highway.

Reason for Refusal 4

4.39 The fourth Reason for Refusal related to the unacceptable impact on the previously refused scheme on the occupiers of 40 and 42 Magpie Lane in terms of overlooking.

4.40 Under the latest scheme, the position of the building has been moved westwards, away from the adjacent properties in Magpie Lane, creating a separation distance of over 25 metres between opposing two storey elevations. This exceeds the requirements set out in the Quality Spaces SPD and will ensure the proposals do not result in unacceptable levels of overlooking, or a loss of outlook.

4.41 Unlike the previously refused scheme, there are no dormers windows and no Juliette balconies, which further reduces the extent to which overlooking may occur.

4.42 In light of the above, it is considered that the revised scheme will not harm the living environment of any of the occupiers in Magpie Lane, including numbers 40 and 42.

4.43 Although it was not cited as a reason for refusal previously, the impact of the development on 15 Falcon Square has been given careful consideration noting, in particular, the windows in the northern elevation of this property. The building has been sited so it does not directly impact the outlook from these windows. It has also been designed with a catslide roof of its western side, to reduce the mass of the building adjacent to the shared boundary. No windows have been included in the southern elevation of the proposed building to ensure that there is no mutual overlooking.

4.44 As a result, it is not considered that the development will harm the living environment of the occupiers of 15 Falcon Square.

Reason for Refusal 5

4.45 The fifth reason for refusal related to the failure to secure the necessary mitigation to off-set the impact of the development on European protected sites with regard to nutrient loading and recreational disturbance.

4.46 The impact of the development with regard to nutrient loading will be off-set through the purchase of Nitrate Credits, via Eastleigh Borough Council's adopted mitigation scheme.

4.47 The impact of the development on the New Forest SAC, SPA and Ramsar site (through recreational disturbance), will be off-set by making a financial contribution, secured with the Council via a Section 106 legal agreement, as is common practice.

4.48 For the reasons set out above, it is considered that all the previous reasons for refusal have been fully considered and positively addressed.

4.49 The remainder of this Planning Statement will focus on the remaining planning considerations pertinent to the consideration of this application.

Landscaping and Trees

4.50 The site is not located in a Conservation Area and none of the trees either on, or adjacent to, the site are covered by a Tree Preservation Order.

4.51 There is a single Ash tree on the site that will need to be removed to facilitate the development.

4.52 The tree is visible from certain public vantage points, albeit not easily. However, due to its small size, the loss of the tree will be insignificant, especially when considering the replacement tree planting that is being proposed.

4.53 Furthermore, the tree has poor form due to multiple stems from the base and it is likely to be self-set. Due to the condition of the tree, and the prevalence of Ash Die-back, the retention of the tree is unsuitable, irrespective of the potential development of the site.

4.54 There are 3 no. trees towards the western boundary, within the garden of 13 Falcon Square. The Arboricultural Impact Assessment, submitted in support of this application, explains how these trees will be protected during the build.

4.55 6 no. new trees will be planted as part of the proposals, a net gain of 5 no. trees.

4.56 The tree planting will be complemented by native hedge planting, amenity grassland and shrub planting. The private gardens will be laid to lawn.

4.57 The landscaping will 'soften' the appearance of the development and, combined with the high quality design of the dwellings, will contribute to the creation of a very attractive environment.



Ecology and Biodiversity

southern site boundary; this planted hedging will comprise a native hedgerow comprising of a minimum of five hedging species.

4.60 The new trees should will comprise native and wildlife beneficial species.

4.61 Appropriate bird boxes will be installed on site. A minimum of 2 integrated nest boxes will be installed on the proposed building to enhance the suitability of the site for nesting birds.

4.62 A minimum of 1 appropriate bat box will be integrated into the new residential development.

4.63 Hedging will be installed on the site boundaries instead of fencing which will allow movement of small mammals such as hedgehogs into and out of the site. Where close board fencing is installed hedgehog holes should be created of a minimum of 13 by 13cm to allow hedgehogs to move between the sites.

Flooding and Drainage

4.64 It is proposed to implement a lined cellular storage tank to attenuate surface water, prior to discharge at a controlled rate using a vortex control device.

4.65 Flows would be discharged into a new manhole on the existing 150mm diameter Southern Water surface water sewer, downstream of surface water manhole 1353, in the unnamed access road to the east of the site. The new connection would be subject to approval by Southern Water. A discharge rate of 1l/s is proposed.

4.66 The attenuation tank has been designed to accommodate a 1 in 100 year storm plus 45% in line with the latest climate change guidance.

4.67 Maintenance of the drainage system and SuDS features would be carried out in accordance with the manufacturer guidance and through an approved maintenance management plan to minimise the residual flood risk of drainage system blockage.

4.68 It is proposed that foul flows would be conveyed by gravity to existing Southern Water foul sewer manhole 1302 located in the unnamed access road, approximately 30m south-east of the site, subject to confirmation of the manhole invert level. The site levels are slightly higher than the cover level of manhole 1302, therefore a gravity connection is expected to be feasible. The connection would be subject to approval by Southern Water.

Cycle Parking

4.69 The Residential Parking Standards SPD requires that dwellings are provided with one cycle parking space per dwelling if provided in a communal store, alternatively one cycle parking space should be provided for one bedroom dwellings, and two cycle parking spaces for two or more bedroom dwellings if individual storage is provided.

4.70 The development is being provided with individual stores within the garden of each unit. Cycle parking is therefore being provided in accordance with the prescribed standards.

Refuse Storage and Collection

4.71 Refuse collection is proposed to occur in line with the existing refuse collections for the flats to the north east of the site, with a refuse vehicle reversing from Nightingale Avenue towards the site. The proposed refuse collection arrangement is presented in Drawing 21-138-101C

Air Quality

4.72 An Air Quality Assessment has been undertaken in accordance with the Department of Environment, Food and Rural Affairs' (Defra) current Technical Guidance on Local Air Quality Management (LAQM) (TG22).

4.73 In addition, a risk-based assessment of the likely impact of construction on the air quality of the local environment has been conducted in accordance with the Institute of Air Quality Management's 2014 edition of the Guidance on the assessment of dust from demolition and construction.

4.74 The Air Quality Assessment demonstrates that the proposed development meets the guidance contained within Technical Guidance on Local Air Quality Management (LAQM) (TG22), IAQM/EPUK's Land-Use Planning & Development Control: Planning for Air Quality and IAQM's Guidance.

4.75 The proposed development adheres to the principles of the National Planning Policy Framework since the new development will not be "put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution". Since it has been shown that the proposals adhere to local and national planning policy, it is considered

that air pollution should not be a constraint on the proposed residential development.

Sustainability

4.76 The proposed dwellings will follow the best practice hierarchical approach to sustainability through;

- 1) using good levels of thermal performance and detailing to minimise heat loss and overall energy demand;
- 2) specifying efficient forms of heat and power within the apartments and;
- 3) incorporating microgeneration through photovoltaic panels to further enhance performance.

4.77 This approach, in addition to encouraging sustainable modes of transport through the accommodation of cycle storage facilities, is in accordance with the requirements of local and national policy.

Section 106 and Legal Matters

4.78 It is proposed to enter into a legal agreement with Eastleigh Borough Council to secure the necessary credits to off-set the impact of the development on nutrient loading in the River Itchen SAC, SPA and Ramsar site.

4.79 To address the recreational impact upon New Forest Designated sites it is proposed that the application will make the requisite payments to the Council to off-set the identified impacts.

4.80 The payment is proposed to be secured through a legal agreement with the Council.

5.0 Planning Policy

5.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 The Development Plan comprises the Eastleigh Borough Local Plan 2016- 2036 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

5.3 The following Policies are relevant to the consideration of an application on this site;

Eastleigh Borough Local Plan 2016-2036

Strategic Policies

- S1 (Sustainable Development);
- S2 (Promotion of New Development);
- S3 (Housing Locations).

Development Management Policies

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM3 (Adapting to Climate Change);

- DM6 (Sustainable Surface Water Management and Watercourse • Management);
- DM8 (Pollution);
- DM10 (Water and Waste Water);
- DM11 (Nature Conservation);
- DM13 (Transport);
- DM14 (Car Parking);
- DM23 (Residential Development in Urban Areas);
- DM29 (Dwellings with Higher Access Standards);
- DM30 (Internal Space Standards).

Area Specific Policies

- E10 (Aviary Estate) Supplementary Planning Documents
- Trees and Development (April 2022)
- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Environmentally Sustainable Development (March 2009);
- Biodiversity (December 2009);

National Planning Policy Framework

5.4 At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications.

The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.

5.5 A deliverable 5 year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies.

5.6 Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

National Planning Practice Guidance

5.7 Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

5.8 For the reasons set out in the proceeding paragraphs, it is considered that the development proposals comply with all local and national planning policies.

6.0 Conclusion

6.1 The site represents 'brownfield' land in a sustainable location, where the principle of residential development is acceptable and should be supported.

6.2 When compared to the previously refused scheme, the proposals have been fundamentally altered to ensure the creation of a very high quality development that will enhance the visual amenity of the locality and complement the existing character of the Aviary Estate.

6.3 Due to the carefully considered design, there will be no impact on the amenity of existing or prospective occupiers in terms of loss of light, outlook or privacy.

6.4 Careful consideration has been given to the layout to ensure that suitable levels of both parking and private amenity space can be delivered.

6.5 The applicant will enter into a legal agreement to secure the necessary mitigation to off-set the impact of the development on the New Forest Designated sites and the River Itchen SAC, SPA and Ramsar site.

6.6 For the above reasons, it is considered that the proposals comply with all relevant Local and National Policy.

6.7 The scheme will introduce a high-quality development on a brownfield site, enhancing the visual amenity of area and providing much needed housing in the Borough.