

DELEGATED OFFICER REPORT:**Application Ref:** F/23/95106**Site Address:** 52 ESTRIDGE CLOSE, BURSLEDON, SOUTHAMPTON, SO31 8FN**Case Officer:** Clare Martin**Description:** Construction of 1no. three bedroom detached dwelling with associated landscaping and parking

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Within flood zone 3 • Within 8m of main river buffer • Within 2m southern water sewer buffer • Within Solent mitigation and disturbance zone • Within New Forest mitigation and disturbance zone		

Planning History?	Yes ☐	No ☒

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☒
Representations:	<u>2 letters of objection (Idaho & Nevada, School Lane)</u> • Site is prone to flooding. When the stream flash floods in the winter and spring the garden takes the first overflow. If there is a property build on it where is that water going to go? • Proposed dwelling is too big for its plot. • Additional noise and visual intrusion impacting residents at Nevada.		
Ecology Officer: (summarised)	<u>Objection</u> <u>Watercourse</u> The proposed dwelling would be located approximately 4 m from the river/watercourse along the southern boundary of the site. The proposed rear patio would be even closer. This watercourse runs into Hungerford Bottom/Pilands Wood (Upper) SINC. It is designated EA Main River on the eGIS map and eventually drains into the protected waters of the River Hamble. It is not acceptable to allow development within 4 m of a watercourse. A buffer of at least 8 m is required. As such the proposal would cause a negative impact to the watercourse in both the construction and operational phases. Any development (including patios and parking spaces) would need to be at least 8 m from the watercourse, measured from the top of the bank. Along the boundary of this plot with number 53 the distance from the pavement to the watercourse is only 16 m, so I don't think a house and car parking spaces would be able to fit in this space. The Flood Risk Statement by Gurney Consulting Engineers (April 2023) states that <i>the water course will form part of the rear garden to the property and the occupiers will be encouraged to maintain and keep it in a serviceable condition.</i> This would be difficult to monitor and enforce.		

	<u>Drainage</u> • No surface water drainage information has been provided. • An existing foul drain will need to be diverted to enable this development, which could impact the watercourse during the construction phase and if leaks were to occur. <u>Protected Species</u> Sufficient information has not been provided to demonstrate no impact on protected species such as bats, hedgehogs or slow worms. <u>Other Ecological Requirements</u> • Details of biodiversity enhancements are required. • A CEMP would be required, to include precautions to prevent pollution of the watercourse from sediment, fuel and chemical spills, and a precautionary working method to protect hedgehogs. • A wildlife sensitive lighting plan would be required, avoiding light at night during construction and maintaining a dark corridor along the watercourse and trees to the south of the property. • Any closed board fencing would require hedgehog holes (minimum 13 x 13 cm) at the base boards to allow free passage of small mammals through the garden.
Tree Officer:	<u>Objection</u> (based on lack of information). We will require an Arboricultural Impact Assessment, Arboricultural Method Statement and a Tree Protection Plan, as per the Trees and Development SPD and British Standard 5837:2012, with consideration given to existing trees as per the SPD. Without this information, the applicant has not suitably demonstrated how the proposal can be achieved with regards to trees. This includes the construction of the proposed dwelling, construction access and activities, and future pressures, especially in relation to amenity space, which appears limited on site.
Environment Agency: (summarised)	<u>Objection</u> <u>Principle</u> The proposed residential building is located within Flood Zone 3, which is assessed as having a high risk of flooding (>1% risk of flooding in any year). The PUSH Strategic Flood Risk Assessment (Update 2016) that covers this area states that in the absence of detailed modelling, FZ3b (Flood Zone 3b) functional floodplain is taken to be the full extent of FZ3 identified on the flood map. Residential buildings are classed as more vulnerable development and are not permitted within FZ3b according to Table 2, Flood Risk Vulnerability & Flood Zone Compatibility, in the planning practice guidance. <u>Flood Risk Assessment</u> For all application sites located within flood zone 3 an FRA (flood risk assessment) must be submitted that clearly defines the level of risk to the development and also to off site areas. The FRA should make use of any available flood level data and provide an assessment of flood risk over the full lifetime of the development, which is taken to be 100

	years for a residential building. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to: • consider how people will be kept safe from the identified flood hazards • consider how a range of flooding events (including extreme events) will affect people and property • consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event • take the impacts of climate change into account: • there is no assessment of the impact of climate change using appropriate climate change allowances. • For a residential development a central allowance (37%), should be used according to 'Flood risk assessments: climate change allowances'. • Assess the impacts of a loss of floodplain storage volume and how this will be mitigated The submitted FRA has not provided any flood level information and so it is not possible to define what the level of risk is to the building or any increase in risk to off site areas through a loss of floodplain storage volume.
Parish Council:	Objection due to concerns of over development of the site and the worsening of historical flooding issues due to the proposed buildings proximity to a water course.
Southern Water:	A Sewer will need to be diverted to make way for the development. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act. An application should be made using Southern Water's Get Connected Service at developerservices.southernwater.co.uk . Details should also be conditioned.
Environmental Health	We do not anticipate an adverse pollution impact to the proposed dwelling in this location, a settled residential area not in proximity to busy roads or other sources of pollution. If planning consent is to be granted, please require a proportionate Construction and Environmental Management Plan to protect neighbouring dwellings during the works.

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 8/6/23		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"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."

Policy:

National Planning Policy Framework

Technical Guidance to the National Planning Policy Framework – Flood risk Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 (delivering sustainable development) and S2 (approach to development); and Development Management policies DM1 (general development), DM2 (environmentally sustainable development), DM5 (managing flood risk), DM6 (sustainable drainage), DM11 (nature conservation), DM13 (transport), DM14 (parking), DM23 (residential development in urban areas), DM29 (higher access standards) & DM30 (internal space standards).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

Principle and Flood Risk

The site is located within the urban edge where the principle of development is usually acceptable, subject to compliance with the relevant planning policies. However, there is a watercourse that runs inside the site's southern boundary and the site is within Flood Zone 3. All sites within flood zone 3 are assumed to be within flood zone 3b (the functional flood plain) unless evidence proves otherwise. The proposed dwelling is classified as a more vulnerable flooding use class and due to the high level of flood risk is not allowed on sites within Flood Zone 3b. Even if the site was shown to be in flood zone 3a (high flooding area) the proposal would not pass the sequential test as there are other available lower flood risk sites which would be capable of accommodating new housing. As such the principle of a new dwelling on this site is not acceptable.

A flood risk statement has been submitted with the application, but this does not provide sufficient justification for the development that would be contrary to planning policy. An objection has been raised by the Environment Agency due to the inadequate flood risk statement, which fails to consider the impacts of climate change, the range of flooding events and how this will affect people and property, how people will be kept safe from identified flood hazards including flood emergency planning and the impacts of the loss of flood plain storage volume and how this will be mitigated.

As well as posing a flood risk to the future residents of the dwelling the proposal also has the potential to increase flooding elsewhere, as it would reduce the current capacity of the undeveloped site to hold and slow down flood water. This is a concern which has been raised by third parties and covered within the Environment Agency's objection.

Character and Appearance

The immediate residential area consists of 1970 semi-detached houses fronting onto cul-de-sacs. The houses match in size, design and materials with limited variations between properties and this gives Estridge Close a very strong character. While attempts have been made to model the proposed detached dwelling on the existing houses (in terms of its design), the shape of the dwelling is wider and shallower than the surrounding properties and there are differences in window positioning, extent of the tile hanging and external materials. As such the proposal would introduce an incongruous dwelling, which

would be at odds with the otherwise uniform residential area and detrimental to the character and appearance of the locality.

Living Accommodation and Residential Amenity

The proposed two storey house has an internal floor area of 84m², which would just meet the nationally described space standards for a four-person three bed dwelling. However, the dwelling would create a poor quality living environment as its main living areas and narrow garden would be wedged between the two storey side wall of the existing house and a dense row of tall trees and vegetation along the sites southern boundary. These existing features would make the dwelling and its garden feel enclosed and overshadow key living spaces to an unacceptable degree.

However, if these trees were removed or cut back then it would open up views into the back of the dwellings along Station Road (Nevada, Vermont and Fir Tree Cottage). The first floor bedroom window in the rear of the proposed dwelling appears to be within 22m of the rear windows of Vermont (so would be contrary to the overlooking guidance within Quality Places SPD). The rear dwellings are in an elevated position relative to the site and therefore would result in an unacceptable level of overlooking down into the proposed dwelling and its garden.

Trees and Amenity

No arboricultural information has been submitted to demonstrate how the proposal can be achieved in relation to the row of trees. This includes how the construction of the proposed dwelling, building access and activities will impact upon the trees and needs to consider future pressure in relation to the residential use. It is unclear whether the applicant is intending to remove (or carry out work) to any of the trees, which form an attractive green backdrop to the site and contribute to the appearance of the residential area.

Impact on Riverbank and Water Quality

The watercourse running though the site is classified as a main river (by the Environment Agency) and as such a minimum 8m development free buffer needs to be provided between the top of the bank and the proposed development. The proposed dwelling is only around 3m away from the watercourse and its rear patio less than 0.5m away. The construction of the dwelling and residential use of the site is therefore likely to have an adverse impact on the structural integrity of the riverbank, especially if trees are to be removed. Furthermore, the compact nature of the site means that there is unlikely to be sufficient space to accommodate a new dwelling with the required 8m development free buffer and so the site is not considered suitable for new residential development.

No sustainable drainage information has been provided with the application and there is unlikely to be sufficient left-over space on the site to provide the three forms of naturalised filtration for the sustainable drainage system as required by Policy DM6 (the site being within 100m of a tributary draining into the River Hamble Site of Natural Conservation). Without an appropriate sustainable drainage system, run off water from the development would adversely impact upon the water quality of the SAC and would not be acceptable in this regard.

Car Parking

Four car parking spaces would be provided at the front of the site (two for the proposed and two for the existing dwelling) and these are accessed off Estridge Close. The parking provision accords with the Council's residential parking standards for three bed properties and access from the quiet cul-de-sac is acceptable.

Impact of SPA:

Recreational Disturbance

The site is within both the 5.6km catchment area for the Solent Special Protection Area and Ramsar Site and the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within these catchment areas are likely to result in additional visitors and potential damage to these protected sites. In order to mitigate for these impacts new housing developments, need to contribute towards the Solent Recreation Mitigation Strategy (which manages visitors to the coastline) and the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough and funding towards an additional range post for the New forest). No contribution has been received to date.

Nutrients

The site is within the impact zone for nitrogen, which has been shown to have a determinantal impact on the water quality of the River Itchen /Southampton and Solent Water Special Protection Area. A nutrient budget has not been submitted for the development (which would likely show a positive output for nitrogen) and no mitigation has been provided for the increase in nutrients caused by the housing development.

As such the proposal is likely to have a detrimental impact on the Special Protection Area, both in terms of recreational disturbance and an increase in nutrients.

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 ...