

DELEGATED OFFICER REPORT

Application Ref: F/23/95643

Site Address: 61 Torridge Gardens, West End, Southampton, SO18 3NF

Case Officer: Summer Sharpe

Description: Construction of 1no. semi-detached house and all associated works.

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • HRA screening: SAC, SPA, Ramsar • Nature Conservation • Special Protection Area – Recreation Disturbance Zone • TPO 662-E (oak tree) (to the east) • Surface water flooding		

Planning History?	Yes ☐	No ☒
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Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>12no. Objections from 10no. addresses summarised as follows:</u> (a) loss of privacy/ overlooking, (b) lack of parking, (c) environmental impacts, (d) overdevelopment, (e) difference in land levels between the application site and no.62, (f) concern about damage to neighbouring properties, (g) loss of amenity grassland, (h) impact upon the TPO'd tree (this also has caused structural damage to application site), (i) concern about neighbouring property values, (j) excessive noise from machinery, (k) impact upon health and wellbeing not being able to use outside space (during construction), (l) trees block light to properties, (m) congestion, (n) cars parking on pavements causes issues for pedestrian and people with pushchairs/ wheelchairs, (o) additional residential in this location is not needed, (p) incorrect description, (q) inappropriate design/ scale, unbalancing character of terrace, not in-keeping (r) car dominated frontage, (s) lack of usable amenity space & (t) concern about boundaries/ neighbouring properties.		
Parish Council:	None received.		
EBC Ecology:	There is a record of a bat roost very close to this property with additional records in the near vicinity. The site is in a green great crested newt impact risk zone. I don't see any potential bat roost features in the existing building, and the house would extend over a tarmac drive and a strip of closely mown amenity grassland. A surface water drainage plan and biodiversity enhancements are required. A bat brick and a swift brick may be appropriate.		
EBC Arboriculturalist:	The principle arboricultural feature is a large, mature oak tree to the rear of the site. This tree is subject to a tree preservation order. No information has been provided to demonstrate to the Council that the proposal can be achieved without harm to the tree. Despite the miniature crown spread shown in the plans, it is a substantial tree with a large crown and an unknown rooting system. The proposal would require level changes and activity within the Root Protection Area. The applicant has not		

	demonstrated that this tree has been considered, which is contrary to the details contained with the Tree and Development SPD. Ultimately, without any arboricultural information, the proposal could result in harm, which is contrary to policy DM1. As this stage we raise an object to the proposal.
EBC Environmental Health:	The site is located in an area of low noise risk and we do not have a requirement for enhanced sound insulation more the standard insulated glazing units provide. For back land development, we advise applicants to install paved roadway / driveway instead of gravel or other unpaved substrate and to install considerate lighting with no upward glare and in a warm colour not exceeding 3500K (kelvin). Eyelid type of lights are suitable for this purpose.
Hampshire Highways:	No objection in principle to the application, it is noted that the 3 parking spaces to be located to the frontage of the proposed dwelling do not conform to adequate dimensions in accordance with EBC Parking Standards (being a minimum of 2.4m x 4.8m). As such, it would be anticipated that at times vehicles would overhang the adjacent footway which would cause obstruction to pedestrians. For this reason, it would be requested that the case officer requests that the dwelling is pushed back into site an appropriate distance to ensure this does not happen. Additionally, whilst it is assumed that parking will be provide for both the existing and proposed dwellings at the rate of 2 spaces per dwelling, the layout does not make this clear. The case officer may wish to check this to ensure that the parking accords to the EBC Parking Standards. Should permission be grated, the following condition would be recommended: <i>No development shall start on site until the access, including the footway and/or verge crossing shall be constructed in accordance with the approved plans.</i> <i>Reason: To provide satisfactory access and in the interests of highway safety.</i>
Natural England:	Further information required.
Southern Water:	A formal application would be required to connect to the public foul sewer.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (delivering sustainable development), S2 (approach to development), S3 (location of new housing), DM1 (General development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM8 (pollution), DM11 (nature conservation), DM13 (access), 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.

Site Visit**Yes** ☒**No** ☐

7 September 2023.

Assessment:Site & Surroundings

The application site comprises a piece of land to the east of no.61 Torridge Gardens. Currently this piece of land is part hard standing, partly grassed, creating a gap between the properties along this southern section of the road. No.61 currently forms an end of terrace dwelling. The row of 3no. two-storey dwellings are uniform in their appearance, with brick work at ground floor level, white render at first floor and front sloping pitched roof. The dwellings are set back from the road by front gardens, whereby the end dwellings benefit from off-street parking provisions. Further east of the application are a different variant of design of two-storey dwelling. Within the rear garden of no.62 Torridge Gardens (east) there is a large mature oak tree (covered by a TPO).

The immediate surroundings comprise residential properties. There are a couple of varying designs of dwelling, however these are clustered creating a loose sense of uniformity and cohesion within the streetscene.

Proposal

The application proposes the erection of a semi-detached two-storey 3no.bedroom dwelling, with associated parking. This would be situated on a piece of land to the east of no. 61 Torridge Gardens. This is currently part hard surfaced and partly grassed.

The proposed dwelling would have a pitched roof which would measure approx. 8.8m in height with eaves which would measure approx. 5.2m in height. There would also be a side extension element which would be set down from the main ridge height, this would measure approx. 8m in height. The proposed dwelling would have an external footprint of approx. 56m², whereby the frontage would be the widest measuring approx. 8.7m and at the narrowest (to the rear) approx. 4.5m. The proposals would be finished in a combination of materials; red brick work at ground floor level, white render at first floor level, brown concrete roof tiles, white upvc fenestration and black upvc rainwater goods etc. The proposed plans show that no.61 and the proposed dwelling would be separated by boundary treatment, however limited information has been provided in this regard.

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).

The Council also has an ongoing responsibility to ensure that there is a continuous 5 year supply of housing. The government has consulted on changing the requirements for

having to demonstrate land supply and as such, it is not proposed to update the position until the NPPF is revised. The last published figure was 5.1 years in July 2022 and the current local plan is very recent, having only been adopted in April 2022.

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

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.

As set out above the principle of development is considered to be acceptable. It should also further be noted that the subdivision of the plot/ addition of a residential dwelling would be considered acceptable in principle, however, the proposal would need to be acceptable in terms of its design, amongst other material considerations. In this instance, the proposal would have an excessively large footprint, and wide frontage which is considered to be uncharacteristic of the immediate surroundings. Therefore, whilst the subdivision of the plot could be accepted, the dwelling proposed would not be considered appropriate nor acceptable.

As noted above, Torridge Gardens is characterised by different styles of grouped dwellings. There are design variances of predominantly terraced dwellings, with different combinations of materials and styles, albeit it is acknowledged there is a generalised material palette. Their positioning and clustering is purposeful and intentional throughout the streetscene creating fluidity and cohesion throughout the wider residential estate.

The proposed dwelling would adjoin no.61 Torridge Gardens, continuing the same ridge height. The proposed dwelling would also have a two-storey side extension element which would be set down in height. This would also incorporate similar materials, with brick and render elevations. When viewed from the 'front' elevation, it is clear that the proposed dwelling has not sought any design cues from the existing group of terraced dwellings. The proposed dwelling would almost be twice as wide as no.61 and would have a completely different form in terms of fenestration size and position, with the main entrance door positioned on the eastern elevation. As such, the appearance of the proposed dwelling is considered to be at odds with the established grain of dwellings, not conforming to any characteristics of the streetscene, especially the adjoining terrace, thus would have a harmful impact upon the established streetscene.

Paragraph 134 of the NPPF states *'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents'*. Due to the inappropriate scale and form of the development, the proposal is considered to result in an incongruous addition, which would have an adversely harmful impact upon the streetscene and wider vantage points.

Overall, and to conclude, the proposed dwellinghouse, as a result of its scale and form would result in an unacceptable addition which would appear at odds with the wider vicinity, detracting from the established character and spaciousness of the surroundings, thus being contrary to the abovementioned policies, and SPD. In accordance with Paragraph 134 of the NPPF, this development is not considered well designed, nor does it reflect local design policies, thus warranting refusal.

Internal & External Space for Future Occupiers

To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'Nationally Described Space Standards' (NDSS) (March 2015). Policy DM30 of the Eastleigh Borough Local Plan (2016-2036) requires that all new dwellings meet the NDSS as a minimum. In addition to internal arrangements, the Quality Places SPD requires all new residential development to provide a garden area of 60% of the host dwellinghouse.

The NDSS sets out the minimum space required for new dwellinghouses, this is dependent upon the number of bedrooms, people who would reside there and storeys. There are also standards relating to sizes of bedrooms; a single occupancy bedroom should measure 7.5m², and a double occupancy bedroom should measure 11.5m².

The application proposes a two-storey, 3no. bedroom dwelling, whereby the NDSS requires between 84m² – 102m² for a property of this size. From the submitted plans the footprint would measure approx. 48m² (at ground and first floor), thus cumulatively the dwelling would measure approx. 96m². Bedrooms 1 and 3 would exceed double person occupancy, whereby bedroom 1 would also be served by an en-suite. Bedroom 2 would fall shy of double person occupancy however would comfortably exceed single person occupancy. Further, from the submitted floor plans and elevations, it appears that each habitable room would be served by a window. The Council's Environmental Health Officer has noted that the site is located in an area of low noise risk and therefore would be acceptable in terms of noise, thus not requiring enhance sound insulation measures/ glazing units.

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. This standard would apply to both existing and proposed dwelling. From the submitted plans it appears this standard is met.

To conclude, the proposals are considered to be acceptable in this regard.

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.

Existing no.61 is currently an end of terrace dwelling. The proposal would result in an additional dwelling to the immediate east. The proposal, where adjoining no.61 would have the same depth, not projecting any further north or south, therefore the proposals are likely to have a limited impact upon this neighbour. The proposals would also result in the subdivision of the existing rear garden for no.61, whereby limited information of boundary treatment has been provided. However, boundary treatment separating rear gardens is not uncommon within residential areas and therefore the proposals are unlikely to result in an adverse impact upon this adjoining neighbour.

The proposals would also extend further east, closer to no.62. The proposals would still maintain a separation distance. The proposed dwelling would be set in approx. 1.7m to boundary (limited information has been provided with regard to this boundary) and there would be approx. 6.2m from the proposed dwelling to no. 62. Whilst it is acknowledged that this would reduce the existing open space, the encroachment of a building in this

position is not considered to be adversely harmful in terms of being overbearing upon this neighbouring amenity.

Further, neighbouring properties to the south (along Dart Road) are unlikely to be impact upon as a result of the separation distance of the rear garden (approx. 15.3m). Therefore the proposals are not considered to have an adverse impact upon the amenities of the neighbouring properties to the south.

Highway Safety, Parking & Refuse Storage

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted, whereby they have raised no objection in principle. They have however noted that 3no. parking spaces to the frontage of the proposed dwelling do not conform to adequate dimensions, thus would likely overhang the footway causing obstruction to pedestrians. The LHA therefore suggested a different parking configuration.

The Council's Parking SPD sets out that for a 3no. bedroom property there should be the provision of 2 no. off-street parking provisions. These standards would apply to both existing and proposed dwelling thus resulting in the need for 4no. off-street parking provisions. However, as noted above, the LHA have raised concern that whilst 4no. spaces have been denoted on the plans, 3no. proposed parking spaces do not conform to adequate dimensions (a minimum of 2.5m x 5m). "Proposed Plan P-101" shows that the parking provisions would be 2.4m by 4.8m. This plan also shows that the proposed parking provisions would abut the proposed dwelling itself, therefore in reality there is likely to be more of an overhang than demonstrated on the plans. The proposed parking would also extend towards the shared eastern boundary whereby it is unclear whether access to the entrance of the proposed dwelling (to the eastern elevation) could be obtained wholly within the application site. The proposed parking layout, and substandard parking provisions, are not considered to be practical nor acceptable. Ultimately this is considered to result in a shortfall of parking provisions, contrary to Policy and the Council's Parking SPD. The proposals would therefore result adverse harm warranting reason for refusal.

With regard to bin and cycle storage, this has not been identified on the submitted proposed plans, however, it is acknowledged that there is space available on site 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.

Ecology & Trees

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

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

The Council's Arboriculturalist has advised that there is a large mature oak tree within close proximity of the site. From a site visit it was noted that this tree was located within the rear garden of no. 62 Torridge Gardens, however, branches do substantially overhang the application site. No arboricultural information has been provided as part of this application, therefore the impact of the development upon the tree is unknown. Due to the lack of information the development would be contrary to Policies DM1 and DM11 and the Trees and Development SPD, thus the Council's Arboriculturalist has raised an objection, ultimately resulting in a reason for refusal.

The Council's Ecologist advised that there is a record of a bat roost very close to this property, however they considered that there was limited bat roost potential features. They also noted that biodiversity enhancements would be required. Had the proposals been acceptable in other regards, biodiversity enhancements could have been secured through condition.

Drainage

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

A surface water drainage plan has been requested by the Council's Ecologist. This information has not been submitted. However, it should be noted that had the application have been acceptable in other regards this information would have been requested, whereby this matter could have been dealt with or been conditioned appropriately.

Sustainability

Policy DM2 of the Eastleigh Borough Local Plan (2016-2036) requires new development to provide a 19% improvement in predicted carbon emissions, and water consumption standards of 110L per person per day.

Other than being situated within a suitable location, the proposals do not provide any sustainability measures. It should be noted, however, that had the proposals have been acceptable in other regards, these requirements would have been secured via condition.

SPA Mitigations

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites. In this instance, given that the proposal was unacceptable in other regards no Appropriate Assessment has been undertaken, however an assessment of the impact has been completed below.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site falls within the 5.6m buffer and therefore a 3-bedroom dwelling would require a monetary mitigation of £934 (as of 1 April 2023). This has not been received.

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. No mitigation in this regard has been proposed or secured as part of this application

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. Mitigations would also be required to offset the development, none of which have been provided.

Furthermore, Natural England has also 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 it 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 scale, form and appearance would result in an unacceptable addition, which would appear as a visually intrusive and incongruous form of development which would be at odds with, and have an unacceptable adverse impact upon the streetscene. The proposals are therefore contrary to the requirements of Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the provisions of the NPPF (2023).
- 2) The proposed parking provisions do not conform to adequate sizes, nor is the layout considered reasonably practical. The proposals would either result in vehicles overhanging the highway and/or a shortfall of on-site parking provisions, which would result in an overspill of parking onto surrounding roads. The result of the inappropriate parking arrangement would have an adverse impact upon highway safety. The proposals are therefore contrary to the requirements of Policies DM1 and DM14 of the Eastleigh Borough Local Plan (2016-2036), the Council's Residential Parking Standards SPD (2009) and the provisions of the NPPF (2023).
- 3) Insufficient information has been provided to demonstrate that the proposed dwelling and associated works would not have an adverse impact upon the existing TPO'd oak tree adjacent to the site. The proposals are therefore contrary to Policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016-2036), the Council's Trees and Development SPD (2022) and the provisions of the NPPF (2023).
- 4) The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen and phosphate loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2023) and the Conservation of Habitats and Species Regulations 2017.

Recommendation:

PERMIT ☐

REFUSE ☒