

DELEGATED OFFICER REPORT

Application Ref: F/23/96324

Site Address: Land to the rear of 33 Chestnut Avenue, Eastleigh, SO50 5AN

Case Officer: Summer Sharpe

Description: Construction of a 1no. detached chalet style dwelling following the demolition of domestic double garage, with associated amenity space and access off Mansbridge Road.

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - Airport safeguarding - Solent protection recreational disturbance - HRA screening; River, SAC, SPA & Ramsar - Air Quality Management Area (AQMA) (Southampton Road – east) - Sewers 2m buffer		

Planning History?	Yes ☐	No ☒
The application site does not have any relevant planning history, however it is noted that neighbour no.37 Chestnut Avenue does have permission for the subdivision of its plot. The history of no.37 Chestnut Avenue is set out below for clarity, as this will be discussed within the assessment of this application, albeit it should be noted that each application is determined upon its own merits.		
F/15/77742	Erection of 1no. 3 bed detached dwelling with parking, landscaping, bin & cycle store with access from Mansbridge Road	Refused (April 2016) Reasons for refusal related to: design, adverse impact upon neighbours & lack of contributions towards the SPA.
F/17/80645	Construction of 1no. detached 2 bedroom bungalow with associated amenity space, landscaping, car parking, cycle and bins storage with access off Mansbridge Road.	Permitted (September 2017)
F/18/83727	Construction of 1.no detached 2 bedroom bungalow with associated amenity space, landscaping, car parking, cycle and bin storage with access off Mansbridge Road. Land to South West of 37 Chestnut Avenue, Eastleigh, SO50 5AN	Permitted (September 2018)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>1no. Objection summarised as below:</u> (a) visually intrusive, (b) the building would overlook neighbours garden, (c) reduced value of neighbours house, and (d) adverse impact upon external amenity for neighbours.		
Parish Council:	Objection - due to overcrowding and the lack of green space for amenities on the proposed property.		
Hampshire Highways:	No objection. Access – this would be via Mansbridge Road, utilising an existing vehicle crossover in order to enter the private driveway. This is acceptable with an existing vehicle use and drop kerb across the full width already in place. In terms of the host dwelling, no.33 Chestnut Avenue, access will be		

	from Chestnut Avenue utilising an existing drop kerb, again already in place. Parking – whilst the parking quantum has not been fully assessed as this is a function of EBC as Local Parking Authority, it is noted that 2 vehicle parking spaces are proposed for the application dwelling and that the host dwelling also has at least 2 vehicle parking spaces available via an existing driveway fronting Chestnut Avenue. Both are acceptable in terms of layout. It would however be requested that a cycle store is added to plans in order to provide a suitable and secure location for cycles in line with the EBC Parking Standards, in order to help promote sustainable travel.
EBC Ecology:	No objection. There are several records of roosting pipistrelle bats just to the east of this location. However, the existing double garage that is to be demolished does not have features that could support protected species including bats. The remainder of the site is comprised of amenity space that lacks connectivity to other habitats. The proposals are therefore unlikely to impact upon protected species or features of raised habitat interests and on this basis the proposals are not contrary to Policy DM11. The proposed chalet should include bat bricks/ boxes or tiles by way of an enhancement for biodiversity.
EBC Environmental Health:	None received.
EBC Contaminated Land:	A review of historical maps indicates the main dwelling at 33 Chestnut Avenue was built around 1950s, with the garage at the rear of this plot's garden noted for the first time in late 1990s. The site is within a residential area. The geology of the site comprises River Terrace Deposits (Secondary Undifferentiated Aquifer) over London Clay Formation (unproductive Aquifer). The site is not within a Source Protection Zone. Made ground is likely to be encountered due to site's use. The site is within 3-5% radon risk area. In terms of contaminated land, we have no objections with the principle of the proposed development, but would recommend the following conditions: <u>Watching brief and unexpected contamination:</u> <i>A watching brief should be followed at all times during demolition and construction works, and confirmation of this shall be submitted to by the Local Planning Authority (LPA) prior to completion. In the event that previously unidentified contamination is found during the watching brief it must be immediately reported to the Local Planning Authority. Work shall then cease until an investigation and risk assessment, and where required a remediation scheme, has been submitted to and approved in writing by the Local Planning Authority. Where a remediation scheme is required by the Local Planning Authority, the development shall not be brought into use until a verification report for the remediation work has been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken by a competent person in accordance with UK Land contamination risk management (LCRM) national guidance, and BS10175:2011+A2:2017, and BS 8576:2013 and as</i>

	<i>agreed with the LPA. Any gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015, Claire RB17 and CIRIA C665.</i> <i>Reason: To minimise the risk from land contamination for the safety of the property's occupiers.</i> <u>Imported soils:</u> <i>Any imported soils required for the development hereby permitted should be demonstrated to be suitable for its intended end use and meet the approval of the Local Planning Authority prior to use on site.</i> <i>Reason: To minimise the risk from land contamination for the safety of the future occupiers of the development.</i> <u>CEMP:</u> <i>No development, including demolition, shall start on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, which shall include: a) Working hours; b) Methods of construction works; c) The arrangements for deliveries associated with all construction works; d) Location of temporary site compounds, construction material and plant storage areas; e) Measures to minimise dust, noise and vibration; f) Measures to ensure dirt is not transferred onto the highway from the site; g) Provision for the storage, collection, and disposal of rubbish from the development during the construction period; h) Temporary lighting to be used during construction which shall be designed in accordance with best practice; i) how complaints about harm or adverse impact to amenity will be received and considered. Construction work shall only take place in accordance with the approved CEMP.</i> <i>Reason: To limit the impact the development has on the amenity of the locality and neighbouring residents.</i> In addition, we recommend that you add this advisory note for radon: <i>Further consideration needs to be given to the radon risk. It is recommended that developers consult the Radon UK map (UKradon - UK maps of radon). If the development is within an area above 1%, developers are advised to buy the UK Health Agency Radon report (for approximately £4.00) and check their development. Details on the findings on radon risk should be submitted to the LPA. If the detailed report gives an answer that the development is within an area where the risk is:</i> - <i>Greater than 1%, Radon protection for new developments should be considered.</i> - <i>Between 3% to 10%, Basic Radon Protection are required according to Building Regulations.</i> - <i>Greater than 10%, Full Radon Protection are required according to Building Regulations</i>
Southern Water:	Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
Natural England:	Further information required.

Policy:**National Planning Policy Framework****National Planning Practice Guidance****Development Plan:**Eastleigh Borough Local Plan 2016-2036

Policies: 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; Eastleigh Character Area Appraisal, and Trees and Development.

Site Visit**Yes** ☒**No** ☐

23 November 2023.

Assessment:Site & Surroundings

The application site comprises a semi-detached dwelling located to the south of Chestnut Avenue. The dwelling is set back from the road by a front amenity area comprising garden and a driveway, providing 2no. vehicular parking provisions. The dwelling also benefits from a long rear garden and garage. The garage, the subject of this application, is situated to the southern portion of the rear garden, spanning the width of the plot. The garage is accessed via Mansbridge Road, to the south.

The immediate surroundings predominantly comprise residential development. The neighbouring properties to the west also benefit from long rear gardens. It is noted that no.37 Chestnut Avenue has subdivided its plot, with there being a bungalow within the southern portion of that site. (This was permitted under planning applications F/17/80645 and F/18/83727). To the east, no.31 Chestnut Avenue has a shorter rear garden than that of no.33, this is as a result of the geometric layout, whereby plots 1 and 2 Arnold Road have their rear gardens adjoining the rear garden of the application site.

To the west and south of the site and Mansbridge Road, is a fairly new residential development. These properties comprise a more modern design style with a central area for parking.

Proposal

The application proposes the construction of a detached chalet style dwelling following the demolition of domestic double garage, with associated amenity space and access off Mansbridge Road. This would be situated to the south of 33 Chestnut Avenue.

The proposed dwelling would have a footprint of approx. 71.4m² and would be two-storeys in nature, albeit described as a 'chalet' style dwelling. This would have a maximum height of approx. 6m, with a catslide roof. As a result of the roof form, the proposed dwelling would have differing eaves heights ranging from 2.5m – 3.6m. The proposed dwelling would be finished in brick work and cedar cladding at first floor level. Access would be provided to the south, via Mansbridge Road whereby the dwelling would be set back to allow for the off-street parking provisions of 2no. vehicles.

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.*

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 and supporting documentation are 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.

To conclude, 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.

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.

In addition to the above Policy, the Eastleigh Character Area Appraisal (ELAC 15) makes reference to the application site and surroundings. The guidance within this category sets out that it would be important to: maintain the predominant shallow building setbacks and continuous building frontage, minimise the requirement for on-street parking in new development, maintain the predominant brick wall plot boundary, and ensure that materials applied in new development are similar or complementary to those prominent in existing development. It also sets out that there is a good strength of character within the area, which is due to *the regular grid layout and strong sense of enclosure resulting from the shallow building setbacks and continuous building frontage, and the consistent use of red brick also adds to the distinct character of the area.*

The design of the proposed dwelling is unlike any of the existing surroundings. Chestnut Avenue, Arnold Road and properties to the east comprise 1930s style dwellings. Properties to the west and south comprise newer more contemporary designed dwellings/ apartments. The proposed dwellings design is somewhere in-between these styles. Whilst the proposal is described as a chalet bungalow, it effectively has two-storeys, taller than the nearby bungalow but lower than an average two-storey dwelling, thus would not be reflective of the scale of the surrounding established development. It also includes a catslide roof, feature which is not common within the surrounding area.

Turning to the proposed materials, these comprise; brick work and cladding, which are not dissimilar to the neighbouring site (rear of no.37 Chestnut Avenue), and it is noted that there is some use of cladding within the wider vicinity of the newer residential development to the south of the site, however is not a highly prominent material within this context.

With regard to the neighbouring site (rear of no.37 Chestnut Avenue), as set out above this received planning permission 5 years ago for the subdivision and creation of dwelling. This unit is a modest, single storey bungalow with a contemporary design, reflecting that of the nearby new residential development. It should, however, be noted that the original submission (F/15/77742) proposed a two-storey detached building of a much similar design to the immediately adjoining new development (west), however, this was refused on design grounds, given its inappropriate scale within the plot.

The application site is slightly set back from Mansbridge Road to allow for off-street parking, however as a result of the back-land development, the proposal is considered to have an adverse impact upon the regular grid layout as described within the Eastleigh Character Area Appraisal. The surrounding dwellings generally benefit from long narrow rear gardens, of which this application would significantly reduce as a result of the subdivision and creation of new residential plot. Whilst the site to the west is acknowledged, the application site adjoins several rear gardens, as a result of the orientation of no.'s 1 and 2 Arnold Road. As such, this siting is considered to result in a cramped addition in this position.

Further, some landscaping has been indicated on the submitted plan, some hedging/ planting to the east and west boundaries, either side of the proposed parking, and 2no. trees within the rear garden (1 of which appears to be existing). However, it should be noted that had the proposals have been acceptable in all other regards a landscaping plan (including maintenance and biodiversity enhancements) would have been recommended and secured via condition.

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 siting 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 siting would result in an unacceptable addition which would appear at odds with the wider vicinity, detracting from the established character and spacious rear gardens 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 ground floor would provide approx. 61.2m², and the first floor would measure approx. 27.5m². Cumulatively, this would result in an overall footprint of 88.7m², thus would meet the requirements of the NDSS. Further, all bedrooms would meet and exceed double

occupancy. In addition, from the submitted floor plans and elevations, it appears that each habitable room would be served by a window, thus would provide adequate natural light. Concern, would however, be raised with regard to bedroom 3. This would be served by 1 no. window fronting parking provisions, whereby the outlook would not be considered high quality, further this could be impacted by vehicular movement; noise/ lights. Whilst not an ideal arrangement, this alone, would not warrant reason for refusal.

In addition, and as set out within the Council's Quality Places SPD, the garden size for new residential development must be at least 60% of the floor space of the host dwellinghouse. Further and in this instance, the 60% amenity space would also be applied to the retained dwelling.

The proposed dwelling would have an external amenity area of approx. 50.1m², thus would provide approx. 56% amenity space, therefore not in accordance with the SPD requiring 60% amenity space for new dwellings. Whilst technically 4% short of the requirement, the proposed layout would appear uncharacteristic when compared to other gardens within the immediate vicinity. Properties in this location predominantly benefit from long rear gardens. The introduction of this dwelling would have an adverse impact upon the layout of both the existing and proposed dwelling. However, from the submitted proposed block plan, a crude estimation of the footprint of the retained 33 Chestnut Avenue has been undertaken, whereby this is calculated to be 124m² and the external amenity area has been measured to be approx. 95.7m², thus would meet the SPD requirement.

Turning to noise and pollution, Southampton Road falls within the Air Quality Management Area. The application site is over 200m west of Southampton Road, whereby there is a protective buffer of existing residential dwellings along Doncaster and Arnold Road. As a result of this, it is unlikely future occupiers would be adversely impacted. However, if necessary, noise and pollution protective measures could have been secured via condition, had the proposals have been acceptable in all other regards.

To conclude, whilst the internal space would meet the NDSS requirements, concern would be raised with regard to the future occupier(s) of bedroom no.3 given the only window serving this room overlooks and would be impacted upon by the proposed parking provisions. The proposals would, however, fall short of the external amenity space set out within the Council's Quality Places SPD and therefore would warrant reason for refusal.

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.

Starting with no.33 Chestnut Avenue, it is noted that this site would be subdivided to allow to creation of a detached dwelling in lieu of the existing garage. The Council's Quality Places SPD sets out that there should be a minimum of 22m between first floor habitable rooms (rear to rear) so as not to result in adverse harm/ overlooking. From measuring plan referenced "22/19/01 Rev A" there would be approx. 19.9m separation from the proposed dwelling to the existing/retained no.33, thus not complying with the SPD. Due to the insufficient distance between existing and proposed dwellings the proposal is likely to result in adverse harm by way of overlooking/ loss of privacy.

To the east is no.31 Chestnut Avenue. As set out within the description of the site, this rear garden does not extend the same depth as no.33. As a result of the garden depth,

and the siting of the proposed dwelling, it is unlikely that the amenities of this neighbouring property would be adversely affected.

To the east of the proposed dwelling are the rear gardens of 1 and 2 Arnold Road. Whilst it is acknowledged that there is currently an outbuilding in situ, this is of smaller dimensions (both in terms of footprint and height). The proposed dwelling would be set in approx. 1m from the shared eastern boundary. No.1 Arnold Road has a garden depth of approx. 17m and no.2 has a garden depth of approx. 13.6m. The proposed dwelling would span a large proportion of the rear boundaries (approx. 10.5m) of no.1 and 2 Arnold Road, with an eaves height of approx. 3.6m. Despite the fairly generous garden depths, the addition of a dwelling with an eaves height of 3.6m and an overall height of approx. 6m combined with the proposed depth of the dwelling, is considered to result in an adverse overbearing impact upon both properties.

To the south is Mansbridge Road, whereby there is a block of flats to the southern side of the road. There would be approx. 16.4m between the windows of proposed dwelling and fenestration of the flats, thereby could result in some inter-overlooking. However, given that this would overlook the public realm this would not warrant reason for refusal.

To the west is no.35 Chestnut Avenue. As noted above, no.37 has already subdivided its plot with there being a bungalow within the southern portion. It is also noted that no.35 benefits from some outbuildings within the southern portion of its site. The proposals would result in the addition of a dwelling, which would create a tunnelling impact upon the rear garden of no.35, rendering this rear portion of no.35 less appealing as amenity space. This would create a sense of enclosure having high development either side of the boundary, whereby the proposed dwelling would abut the shared western boundary and would have an eaves height of approx. 2.5m. Whilst it is acknowledged that no.35 benefits from a long rear garden, and occupiers would still benefit and have enjoyment of some of the external space, this does not completely offset the harm arising from the proposed development, and therefore would not be considered acceptable.

In conclusion, the proposals are considered to result in an adverse impact upon the amenities of; 33 and 35 Chestnut Avenue, and 1 and 2 Arnold Road, as such would warrant reason for refusal.

Highway Safety, Parking & Refuse Storage

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

Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted. The LHA have not raised any objection with regard to the proposals. They noted that the application site can be accessed via Chestnut Avenue (north) and Mansbridge Road (south), therefore the existing accesses would be acceptable. They also provided comments on parking provisions, albeit for EBC as parking authority to confirm the quantum. The Council's Parking SPD sets out that 3no. bedroom dwellings require 2no. parking spaces. (It is assumed that no.33 Chestnut Avenue has 3no. bedrooms). It is noted that no.33 Chestnut Avenue benefits from a driveway (accessed via Chestnut Avenue) which could provide 2no. off-street parking provisions. On plan referenced "22/19/01 Rev A" 2no. parking provisions are shown to serve the proposed dwelling. The LHA confirmed the layout of these parking provisions would be acceptable, and EBC would confirm that the number of parking provisions are acceptable in accordance with Policy and SPD. However, the Council's Quality Places SPD sets out that *parking should not cause adverse impact to windows at ground floor level, particularly at night*. The

proposed plan shows bedroom 3 fronting the proposed parking provisions, only being served by 1no. window, as such concern would be raised with regard to this configuration.

In addition to vehicular parking, the LHA noted that cycle parking should be provided. Further to this, bin storage would also be required. Had the proposals have been acceptable in all other regards this information could have been requested, or secured via a suitably worded condition, albeit unclear how/ where this could be located on the tight site.

Ecology

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 Ecologist has been consulted. They noted that there are records of bats nearby, however the existing garage is unlikely to have features which would support bats, therefore they raised no objections to the proposals. They did, however, request biodiversity enhancements. Had the proposals have been acceptable in all other records biodiversity enhancements could have been secured via condition.

Contaminated Land

Policy DM8 of the Eastleigh Borough Local Plan (2016-2036) stipulates that development will not be permitted if it is likely to cause loss of amenity or impact upon public health or other unacceptable environmental impacts; including land contamination.

Due to the nature of development, resulting in a sensitive end use, the Council's Contaminated Land Team were consulted. They raised no objection to the proposals subject to the conditions and informatives laid out in the consultation section. As such, had the proposals have been acceptable in all other regards the suggested conditions would have been imposed.

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.

It is likely that a surface water drainage plan would have been required. Had the proposals have been acceptable in all other regards additional information could have been requested or the information secured via condition.

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 3no. 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.

In addition to the above, 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. The Council also has 'phosphate credits' available to offset this impact. No mitigations have been provided or secured as part of this application with regard to offsetting nutrients.

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:

The proposals have been assessed accordingly above and are considered to result in adverse harm for the following reasons:

Reasons for Refusal:

- 1) The proposals, due to the design, scale and siting of the new dwelling, would go against the prevailing character and pattern of development in the locality and result in development that is out of context with its surroundings, to the detriment of the character and visual amenity of this section of Mansbridge Road. As such, the proposed development is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's Quality Places SPD (2011), and the provisions of the NPPF (2023).
- 2) The proposed development fails to provide an appropriate standard of external amenity space for future occupiers, contrary to Policy DM1 of the Eastleigh

Borough Local Plan (2016-2036), the Council's Quality Places SPD (2011), and the provisions of the NPPF (2023).

- 3) The proposed dwelling, due to its siting, scale and close proximity to neighbouring boundaries, would introduce a visually intrusive and unduly overbearing form of development to a domestic garden setting, to the detriment of the residential amenity of the occupiers of the immediately adjoining properties. As such, the proposed development is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's Quality Places SPD (2011), 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 ☒