

DELEGATED OFFICER REPORT:**Application Ref:** F/23/95474**Site Address:** 30 VALLEY ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 1GP**Case Officer:** Clare Martin**Description:** Erection of 3no. detached two storey dwellings following demolition of existing dwelling and detached garage

Particular Site Constraints?	Yes ☒	No ☐
Within Built-up Area Boundary Within Established Residential Area Within Flood zone 2 & 3 (covers front section of the site) Tree Preservation Orders within site and neighbouring properties Within HRA Screening Area		

Application Ref	Description	Decision
Dwelling at front of site		
Z/03166/007	Outline: Construction of private dwelling with integral double garage	Refused (11/2/2002)
Z/03166/008	Outline: Construction of single dwelling	Granted (19/11/2003)
Z/03166/009	Reserved Matters: for the erection of one detached dwelling with integral garage (pursuant to Z/03166/008)	Permitted (15/1/2004)
Dwelling at rear of site		
F/04/50235	Erection of 1no. five bed detached dwelling and detached double garage following demolition of existing garage	Permitted (28/1/2005)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	The application received 9 letters of objection and 2 comment letters, raising the following issues: - Poor design and overdevelopment - Increased flood risk to other properties - Impact on drainage and sewer system - Impact upon protected species - Loss of biodiversity and trees - Increased traffic and on road parking - Visual intrusion and overlooking from house at plot 3, which is on higher ground and close to site boundaries - Loss of rear vista - Ability to maintain neighbouring properties. - Clarification on reinforcing retaining walls and culverted stream - Stream gets blocked from debris dislodged during heavy rain - Site needs to be decontaminated as previously a builders yard - Insufficient access for emergency vehicles to plot 3 - Construction noise should piling be required - Insufficient visitor and contractors parking <u>Local Planning Authority Response</u> - Comments regarding design, amount of development, flood risk, drainage, protected species, loss of trees & biodiversity,		

	car parking, impact on neighbours and historic ground contamination are noted and these issues are considered in the assessment section. • The loss of a private vista, maintenance and provision for emergency vehicles are not material planning considerations and so cannot be assessed as part of this application. • Details of the retaining walls are not required at the planning application stage and could be dealt with via a pre-commencement condition had the application been recommend for permission. • Contractor parking could have been dealt with as part of a construction management plan pre-commencement condition had the application been recommended for permission.
Environment Agency	<u>Objection (13/12/23)</u> The revised FRA (Flood Risk Assessment) provides details of resistance/resilience measures and flood warning & evacuation procedures, however, it does not address the EA's fundamental reasons for objecting to the proposal on flood risk grounds. <i>Principle</i> The FRA does not provide any information to confirm that the proposed residential building (more vulnerable development) on plot 1, is not located within an area of flood zone 3b as defined within the 2016 PUSH SFRA. More vulnerable development is not considered compatible with FZ3b and therefore should not be permitted In order for the development to be considered acceptable in flood risk terms the FRA must demonstrate that the proposed residential buildings are not located within an area defined as FZ3b (shown as FZ3 on the EA's flood map for planning). The proposed dwelling on plot 1 is clearly within FZ3/3b. <i>Details</i> The FRA also fails to demonstrate that any of the proposed buildings will be safe from flooding over their lifetime, taking into account the appropriate allowance for climate change. The FRA should provide any available data on flood levels, depths and compare these to site ground levels and proposed finished floor levels to demonstrate the level of risk at the site and the safety of the development. As the proposed building within plot 1 is located within an area of FZ3/3b, this could potentially result in a loss of floodplain storage volume due to water being displaced. The FRA will need to show how any loss of storage volume can be compensated for elsewhere on the site. This is critical to ensure that flood risk is not increased to nearby areas and receptors. The EA's previous consultation response sets out full details of the information required to address our flood risk concerns, which requires the FRA to: • demonstrate that the development is 'safe' • consider whether flood risk will be increased in the surrounding area • address the opportunities presented by this development for reducing flood risk

	- 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 current flood levels or impact of climate change using appropriate climate change allowances. Please refer to "Test and Itchen Management Catchment peak river flow allowances" when calculating climate change allowances, including justification of which allowance will be utilised when considering the vulnerability of the proposed development. Further information can be found here: <u>'Flood risk assessments: climate change allowances'</u> - Flood risk mitigation measures to address flood risk for the lifetime of the development have not been included within the design. Consequently, the development proposes inadequate: - Raised finished floor levels - Resistance and resilience measures - Safe access and egress routes - Compatibility with the Flood Zone - Flood storage compensation assessment
Tree Officer:	<u>Objection (14/12/23) – Further response to Agent and their Tree Consultant</u> Regarding Alderwood Consulting, whilst the opinions of the consultant have been considered, ultimately there is no new site-specific information to alleviate our concerns. The response from Graham Ash has attempted to make clear statements regarding techniques and methods that could be used, and which would alleviate some of the concerns set out in our consultation response (14th September 2023). However, the list of concerns was non-exhaustive and while it is noted and appreciated that several suggestions for techniques and methods have been provided (such as the use of <i>Permacrib</i> for the retaining walls), insufficient information has been provided to back-up those suggestion (for example, would the <i>Permacrib</i> structure require a foundation to be dug within the RPA?). In addition, some of the suggestions put forward will have to also be considered from the perspective of other specialist disciplines. Fundamentally, insufficient information has been submitted that demonstrates the proposal can be achieved without harm to existing trees. Further, the concerns regarding dominance and future pressures have not been suitably addressed. The proposal remains contrary to policy DM1 and details contained within the Trees and Development SPD. <u>Objection (14/9/23) – Arboricultural Impact Assessment</u> The site contains a number of significant trees, which are subject to Tree Preservation Orders. The arboricultural impact assessment submitted does not contain enough site-specific information. The report has many examples where assumptions have been made without evidence or generic proposals have been provided without demonstrating that they can be applied to this site specifically. Our

	concerns relate to unit 3 (at the rear) and, to a much lesser extent, the area of the existing dwelling (unit 2). We have no arboricultural issues with unit 1 at the front of the site. <u>Objection (3/8/23) – Pre-development Survey</u> The site contains a number of significant trees, which are subject to Tree Preservation Orders. The arboricultural information provided is a pre-development arboricultural survey and is not, as suggested in the covering letter, an arboricultural impact assessment. It shows what is present on site, but does not assess the impact of the proposal or provide site-specific methodology regarding mitigation of impacts. The site is highly constrained by trees. In fact, the pre-development arboricultural survey states: <i>“Initial indications, as shown on Tree Constraints Plan, Drawing Number MB220319-01-01 (Section 7), would suggest that any proposed development would not be possible within the southern section of the site due to the high quality and quantity of trees growing within this section of land and including those surveyed off-site.”</i> Therefore, in the absence of full arboricultural information, and the clear impacts on existing, protected trees, we raise an arboricultural objection to the proposals as they currently stand. They are contrary to Policy DM1 and the information and guidance contained within the Trees and Development SPD.
Ecology Officer:	<u>SURFACE WATER DRAINAGE - Objection</u> <u>Objection (29/11/23)</u> The revised flood risk assessment does not address my previous concerns. <u>Objection (1/8/23)</u> The Flood Risk Assessment report shows a photo of a stream visible at the rear of the site behind 34 Valley Road. This appears to be culverted and crosses the corner of the site. It is unclear whether this is within the Applicant's ownership. On our map, this culverted stream is marked EA main river and is a tributary of the Monks Brook which is a tributary of the River Itchen. The FRA does not explain the proposed surface water drainage strategy or how it would meet the requirements of DM6. The surface water drainage/SuDS plan with naturalised filtration within the treatment train must be submitted before determination to ensure that it is feasible on this site. Both attenuation and pollution protection measures must be included. If soakaways are proposed this must be supported either with evidence of working soakaways for the existing house or infiltration test results. Soakaways must be located at least 5 m from any built structure. From the tree officer's comments, it is not possible to see where a soakaway could be positioned within plot 3 that was outside of all RPAs. Section 6.1 in the FRA states that the driveway will be finished using permeable block paving as part of a SuDS design, but the whole surface water drainage strategy must be planned and integrated into the proposal from the start, not as an add-on feature.

The site photos in the Ecological Appraisal Report show that the site is not level. Section 1.2 in the Tree Report by Arbor-Eco (May 2022) mentions that the topography is *undulating with terracing at between 1 m and 2 m above the ground level of the property. The neighbouring properties were within land approximately 3 m below that of the existing levels of the site.*

The retaining walls proposed in the site plan will affect the surface water drainage and overland flows and must be considered in the drainage strategy. Exceedance flood routes must also be shown on the surface water drainage plan.

Although foul drainage is not assessed by the ecology team, this statement in 6.02 causes concern: *Clearly, there will be disruption to mains drainage during a major flood event causing sanitation issues.* This becomes a surface water pollution issue because any sanitation issues on site could enter the culverted stream and cause pollution to enter the waters of the Monks Brook and therefore the River Itchen. This is not acceptable.

PROTECTED SPECIES - No objection

Comments (29/11/23) - Ecological Appraisal Report and the Reptile Survey Report

There are records of slow worms, bats, swifts, stag beetles and hedgehogs near this site.

The house and garage were assessed as having low bat roost potential. The shed was assessed to have negligible bat roost potential. One emergence survey was conducted, and no bats were observed emerging. There was suitable habitat for common reptiles on site in the woodland edges, scrub edges, dense ivy cover and bracken. A reptile survey was conducted, and no reptiles were found on site. Hedgehogs were seen on site during the bat surveys. The site contains habitats suitable for stag beetles. All of the trees and shrubs were assessed as having potential to support nesting birds.

The Ecological Appraisal report states that in this proposal, due to site clearance, biodiversity enhancements would be limited to new buildings and their gardens. The Arboricultural Impact Assessment by Alderwood Consulting (August 2023) states that the Arbor-Eco Consultancy recorded one *Leylandii* hedge and 21 trees, some of which are located off site. Many of the trees are noted to contain dead wood and ivy, which do have ecological value as habitat for invertebrates.

The report states that the *trees would be retained and considered as if they were formally protected.* Section 6.1 states that *the redevelopment will not bring new pressures on trees and where formal tree protection measures apply, the Council will be able to resist unreasonable applications for tree work, with such decisions likely to be supported at appeal.* It is not clear which trees are formally protected. Future owners of the properties may apply to prune or remove these trees which would affect the biodiversity value of the site and reduce the habitat available for nesting birds, invertebrates, and foraging bats.

	The biodiversity enhancements outlined in the Ecological Appraisal report could provide biodiversity net gain if all the trees are retained and all of the recommendations in the report are implemented. Consultation response goes onto recommend conditions, should the application be permitted.
Transport Officer:	<u>No Objection (19/9/23) – Revised access layout</u> The amended plans widen the access driveway to 4.8m for the initial 6.0m into site to ensure that two way vehicle movements can be achieved and no waiting on the highway will be required. Once on-site, adequate space is provided for both parking and the turning of vehicles to enable forward gear access and egress. A bin collection point should be provided at the front of the site. Consultation response goes onto recommend conditions, should the application be permitted.
Environmental Health:	<u>No Objection</u> From our records, I can not see evidence of the site being previously used as building yard, as suggested by one of the neighbours. However, a small part of the site is within a historical sand pit from around 1960s, which could have been backfilled with potentially contaminated materials. Therefore, I would recommend the standard contaminated land condition.
Chandler's Ford Parish Council:	<u>Objection</u> The proposal is considered to be an overdevelopment of a small site, involving demolition of a single property already in situ and not in keeping with other properties in the area.
Natural England	<u>Objection</u> Natural England has concerns about the Eastleigh Borough Council's phosphates and New Forest mitigation schemes. The proposal is therefore considered to have an adverse effect on the integrity of The New Forest Special Protection Area (SPA), Special Areas of Conservation (SAC), and Ramsar.

Site Visit:	Yes ☒	No ☐
A site visit was carried out on 29 th August 2023		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

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

Policy:**National Planning Policy Framework
Planning Practice Guidance****Development Plan:**

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 (sustainable development) and S2 (approach to new development); Development Management policies DM1(general development), DM2(environmentally sustainable development), DM3 (Adaptation to Climate Change), DM5 (Managing Flood Risk), DM6 (Sustainable Surface Water and Watercourse Management); DM8 (Pollution), DM11 (Nature Conservation); DM13 (Transport); DM14 (Car Parking); DM23 (Residential Development in Urban Areas); DM29 (Dwellings with higher access standards) & DM30 (Internal space standards for new residential development):

Supplementary Planning Documents:

Trees and Development, Quality Places; Residential Parking Standards; Character Area Appraisals & Biodiversity.

Site Characteristics:

The site is within a mixed residential area. It forms an L shape with an existing chalet house in the centre of the plot and a driveway and large garden to the front adjoining Valley Road. The rear section is characterised by some detached garages within a woodland.

The site is mostly flat but slopes steeply up towards the southern end with large retaining structures supporting the Brownhill Close dwellings, which are on a higher ground level.

Description:

The application comprises a new chalet dwelling at the front of the site next to Valley Road (plot 1) a second chalet dwelling to replace the existing property in the middle of the site (plot 2) and a new two storey house at the rear replacing an existing garage (plot 3). To the western side of the site is an access off Valley Road, which serves all the properties. Each property has an attached garage, its own parking area and rear garden.

Site History:

Planning permission was granted in 2004 for a two storey house at the front of the site and a year later a second house was permitted at the rear to replace the existing garage. These planning permissions were never implemented and have now lapsed. During the 20 years since the planning permissions were granted, the national planning policy framework has been brought in and Eastleigh Borough Council has adopted a new local plan along with various supplementary planning guidance. The trees and vegetation at the rear of the site will have also matured increasing the biodiversity value of the site.

Therefore, while the previous planning permissions are a material consideration given the change in circumstances, they are considered to hold only limited weight in the decision-making process. The proposal must be assessed against the current planning framework.

Assessment:**Principle (including 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.

The dwellings on plots 2 & 3 (replacement and rear dwelling) are within flood zone 1, which has the lowest flood risk and therefore in flood risk terms their siting is acceptable. However, the new house on plot 1 (at the front of the site) would be within flood zone 3, which has the highest risk of flooding. All areas within flood zone 3 are assumed to be within flood zone 3b (the functional floodplain) unless proven otherwise. New dwellings are not permitted within flood zone 3b as they fall within the more vulnerable flood risk category. Therefore, the principle of development is not acceptable.

It is also pertinent to note that even if it could be demonstrated that the site within flood zone 2 (medium flood risk) or 3a (high flood risk), the National Planning Policy Framework still requires new dwellings to pass the sequential test and for flood zone 3a the exception test also needs to be passed.

The sequential test steers new development towards areas with the lowest risk of flooding, usually within flood zone 1. The proposal would fail this test as there will be other reasonably available sites within lower flood risk areas of the borough that could be developed for housing, including housing sites allocated under the adopted local plan. There is no overriding requirement for a residential development on this particular site and as such the principle of the three dwellings on the site is not acceptable on flood risk grounds.

Flood Risk (Details)

Turning to the details of the scheme, Policy DM5 requires that development within flood risk areas provides:

- A site-specific flood risk assessment demonstrating that the development, including the access, will be safe without increasing flooding elsewhere, and where possible, will reduce flood risk overall;
- flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site and where appropriate takes advantage of opportunities to utilise natural flood management techniques;
- appropriate flood warning and evacuation plans are in place; and
- new site drainage systems are designed taking account of events which exceed the normal design standard.

A revised FRA (flood risk assessment) has been provided, which gives details of resistance/resilience measures and flood warning & evacuation procedures. However, the FRA fails to demonstrate that the front dwelling (with flood zone 3b) will be safe from flooding over its lifetime or provide appropriate allowance for climate change.

Furthermore, the construction of the new dwelling has the potential to increase flood risk to nearby properties, as it may result in the loss of onsite floodplain storage volume meaning that flood water is displaced onto other sites.

An objection has been raised by the Environment Agency on both the principle of residential development at the front of the site and the lack of details provided within the planning submission. As such insufficient evidence has been provided to demonstrate that the development is safe from flooding without increasing flood risk elsewhere and so would be contrary to Policy DM5, thus warranting refusal

Character and Appearance

Policy DM1 requires development to take full and proper account of the context of the site including the character, appearance of the locality, and be well (integrated with these in terms of mass, scale, materials, layout, density, design and siting), both in itself and in relation to adjoining buildings, spaces and views.

The site is located within a mixed residential area. In terms of design, the rear property (plot 3) is a full two storey house while the remaining properties (plot 1 & 2) are of a chalet design with a lower ridge and eaves height. The dwellings are of a pleasant design with

neatly proportioned dormer windows, gable ends and good quality materials. The position, design and scale of the front and rear dwellings are similar to the earlier planning permissions.

It is noted that the house sizes are large in relation to their plots and as a result have been pushed hard up against the side boundaries with limited space left for landscaping. House 1 (at the front of the site) also sits forward of the neighbouring dwellings making it more prominent within the Valley Road street scene, although it is noted that this follows the position of the previously approved scheme. While it would be better if the width of the dwellings were reduced slightly to allow more space around the properties, on balance the proposed development is not considered to materially detract from the mixed residential character of Valley Road.

Trees

Policy DM1 requires development not to result in the loss or damage of important trees. Further guidance on this issue is provided within the Council's Trees and Development SPD.

The southern part of the site and its immediate surroundings are heavily treed. These trees include significant specimens that are subject to Tree Preservation Orders and have both amenity and biodiversity value.

The proposal comes very close to a number of these important trees, with a large amount of house 3 (and to a lesser degree house 2) being constructed within the root protection areas along with retaining walls, hard surfacing and underground services. As such concern has been raised by the Tree Officer that the development poses a significant risk to the health and longevity of the trees. Indeed, a pre-development survey submitted with the application suggested that *"any proposed development would not be possible in the southern area of the site due to the high quality and quantity of trees growing within this section of land and including those surveyed off-site"*.

Following the Tree Officer's comments, an arboricultural impact assessment was submitted and followed up with response letters from both the agent (Graham Ash) and Tree Consultant (Alderwood Consulting). While these documents outlined generic techniques and methods that could potentially overcome some (but not all) of the Tree Officer's concerns, they failed to provide sufficient details to demonstrate that these techniques would actually be workable on the site.

Furthermore, the list of concerns provided by the Tree Officer was not exhaustive and insufficient evidence has been provided by the Applicant to demonstrate that the development would not have a unacceptable impact upon important trees, which would therefore be contrary to Policy DM1 and the Council's Trees and Development SPD. The Tree Officer maintains his objection to the proposal.

Layout and Living Environment

Policies DM1 & DM30 requires development to provide good quality living accommodation for the proposed residents that meets the nationally described internal space standards. Residential development also needs to meet the Council's amenity standards set out within Quality Spaces SPD.

All of the proposed dwellings meet the nationally described internal space. However, due to the constrained nature of the site plots 2 & 3 would result in poor quality living accommodation and external amenity space.

The position of house 2 (replacement dwelling) has resulted in a very small rear garden. The Council's quality places SPD requires residential properties to have a garden size of at least 60% of the dwelling's floor space. At 109m² the rear garden is only around 44% of the dwellings floor space, which is far too small to provide for the outdoor amenity needs

of a large family dwelling. Behind the garden is a tall retaining wall and high fence, which will heavily overshadow the already constrained rear garden making the outdoor space and rooms at the rear of the dwelling unappealing and less usable. The retaining wall/ high fence is positioned along the southern boundary, which as well as affecting daylight, would also unacceptably reduce the amount of sunlight received by this property.

Likewise, Plot 3 is heavily constrained by trees both within the site and adjoining properties and sits low within the site where it is overshadowed by the high retaining wall along its southern boundary with Brownhill Close. Due to these features, the proposed dwelling and its garden would not receive sufficient daylight or sunlight and so fail to create a good quality living environment. While the garden for Plot 3 is of a generous size, due to its heavily constrained nature the actual usable garden space is limited. Indeed, Quality Places SPD requires garden sizes to be increased where *“excessive shading renders significant areas of the garden unusable due to neighbouring buildings or other structures, tree sand orientation”*.

An objection has been raised by the Tree Officer on the basis that the lack of light available to the residents of plots 2 & 3 would create significant pressure to prune or fell the protected trees, which are important features as they support ecology and add to the visual amenity of the locality.

Due to the lack of daylight and sunlight, the dwellings on plots 2 & 3 will not provide an acceptable level of living accommodation or outdoor amenity space and so be detrimental to the amenity of their future residents. As such the proposal would be contrary to Policy DM1.

Residential Amenity

Policy DM1 amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of and existing residents. Additional residential amenity guidance is provided within the Council's Quality Places SPD.

The site is mostly surrounded by residential gardens and the three proposed dwellings are positioned where there is sufficient back to back first floor separation distances between primary windows in both the proposed and existing dwellings.

The property most affected by the development would be 28 Valley Road, which is to the immediate east and closest to the application site. House 2 is sited towards the end of their garden and the proposed chalet house will be larger and come closer to the boundary line than the existing chalet bungalow. However, house 2 has been designed with the long front to rear gable on the opposite side of the property and the smaller section along the boundary. The dwelling is also sited towards the bottom half of their garden, rather than directly behind the neighbours house. While house 2 could be considered unneighbourly and will have an impact on the outlook from the side & rear windows and garden of no.28, the impact is not to such an extent that would make the development unacceptable.

The siting of house 1 has less of an impact upon residents at no.28, however there are existing side dormer windows which will allow some visibility into the garden and rear first floor windows of house 1. However, the side dormer windows in no.28 appears to be a secondary bedroom or bathroom, so the level of overlooking would be less than main living areas and is considered acceptable within the established residential area.

Overall, the development would be in general compliance with the residential amenity guidance within Quality Places SPD and the dwellings would not have an unacceptable impact upon the outlook, light or privacy of the adjoining residential dwellings.

Highways and Car Parking

Policy DM13 requires that all new development has a safe and convenient access to the highway network, with Policy DM14 requiring an appropriate level of car parking be provided in accordance with the Council's adopted standards. In this case, Residential Parking Standards SPD requires each property to have three usable on-site car parking spaces.

The proposal accords with this standard in that each property has room on its frontage for three car parking spaces, and each property also has access to a garage. In the case of plot 1, the parking is in a tandem formation and while the manoeuvring space is limited by the front hedge, it is nevertheless usable and this arrangement is acceptable for a single residential property.

The site access onto Valley Road has been widened to allow two cars to pass so it will not be necessary for cars to wait on Valley Road, restricting traffic flows. No objection has been raised by the Transport Officer and the proposal accords with Policies DM13 & DM14.

Protected Species and Biodiversity Net Gain

Policy DM11 states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitats, protected or priority species, or on the local ecological network unless it can be demonstrated that a) there are no alternative solutions, b) the adverse impact are unavoidable, c) measures are taken to mitigate or compensate for the adverse effects and d) there is an overall biodiversity net gain.

The application site, or its immediate surroundings, do not form part of a designated nature conservation site.

In ecological terms, the site consists of a lawned garden to the front with introduced shrubs and an area of broad-leaved woodland and scrub in the rear section. Many of the trees within the rear woodland and surrounding land contains dead wood and ivy, that have ecological value as habitat for invertebrates. An Ecological Appraisal Report and Reptile Survey has been provided for the development, which has satisfactorily demonstrated that there are not likely to be protected species present on the site, such as bats, badgers or reptiles.

The proposal will involve some site clearance at the rear, but the ecological appraisal report assumes that all of the trees are to be retained. It is the Ecology Officer's view that the proposal could provide a biodiversity net gain if all the trees on site are retained and the biodiversity enhancements implemented, such as bat and bird boxes and gaps under fencing for wildlife movement.

However, as discussed within an earlier section the proposal involves a large amount of work within the root protection areas of trees, and has the potential to harm their long term health and retention. If trees are lost this will have a detrimental impact upon the biodiversity value of the site and therefore it has not been satisfactorily demonstrated that the site is able to provide the required a biodiversity net gain as set out within Policy DM11.

Sustainable Drainage

Policy DM6 requires development to incorporate a sustainable drainage system, which includes naturalised filtration. In this case, there is a culverted stream crossing the corner of the site, which is a tributary the Monks Brook and River Itchen SAC. Policy DM6 therefore requires the development to provide three forms of naturalised filtration.

The scheme proposes soakaways for the dwellings and permeable paving for the driveways, but it fails to provide evidence that the sites ground conditions would be suitable for infiltration (either through infiltration testing or evidence of working soakaways for the existing dwelling). Furthermore, some of the soakaways for plot 3 encroach into the

root protection areas and along with their connected pipework have the potential to unacceptably harm trees within the site. Therefore, it has not been sufficiently demonstrated that the proposed drainage system would actually be workable on the site.

Furthermore, the scheme fails to provide a comprehensive drainage strategy, which needs to include both attenuation and pollution protection, provide three forms of naturalised filtration and take into account the impact from flooding events. The lack of drainage information would be contrary to Policies DM3, DM5 and DM6.

Ground Contamination

No evidence has been found within the Council's records that the site was used as building yard, as suggested by a neighbour. However, a small part of the site is within a historical sand pit from around 1960s, which could have been backfilled with potentially contaminated materials. On the advice of the Environmental Health Officer, a condition requiring land contamination information to be submitted and potential remediation work undertaken would have been imposed had the application been recommended for permission.

Impact of SPA:

Recreational Disturbance

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within the catchment area is likely to result in additional visitors and potential damage to the protected sites. In order to mitigate for these impacts new housing developments need to contribute towards the Council's New Forest Mitigation Strategy, which provides Suitable Alternative Natural Green Spaces within the borough and funding towards an additional ranger post for the New Forest. No contribution has been received to date and the Applicant has not entered into a legal agreement to secure this contribution.

Nutrients

The site is within the impact zone for nitrogen and phosphorus, which has been shown to have a determinantal impact on the water quality of the River Itchen Special Protection Area. A nutrient budget has been submitted for the development, which has shown a positive nutrient output from the development. It is understood that the Applicant intends to buy credits from the Eastleigh Borough Council nutrient scheme. However, this mitigation has not been secured either through a planning condition or a legal agreement.

Habitat Regulations Assessment

The Council has completed a habitat regulations assessment for the development, to which Natural England has raised an objection on the basis that the Applicant will be using the Eastleigh Borough Council scheme which has not been approved by Natural England. However, the Council (As competent authority), considers that the mitigation schemes are sufficient to address Natural England's concerns and adequately prevent any significant effects on the integrity of the habitats sites.

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 ☒
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Comments ...
