

DELEGATED OFFICER REPORT

Application Ref: F/23/96103

Site Address: Parcel of land to the rear of Oakfields, Land Rear of Oakfields, Fair Oak

Case Officer: Gary Osmond

Description: Erection of 8no. dwellings with parking, landscaping and associated works (revision to application F/21/90322)

Particular Site Constraints?	Yes ☒	No ☐
- Within the urban edge - Immediately adjacent to designated countryside - Close to main road		

Planning History?	Yes ☒	No ☐
Of specific relevance is application F/21/90322 for the “Erection of 8no. dwellings with parking, landscaping and associated works” which was refused by the Bishopstoke, Fair Oak and Horton Heath Local Area Committee in January 2022, and subsequently dismissed at appeal in August 2023. This application/appeal was identical to that now under consideration. Also of relevance are applications O/13/73707 and R/15/76118, which are the outline and reserved matters application for the recently completed development of 330 dwellings to the west of the application site.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	A total of 13 representation were received, all but two objecting to the application on the following grounds: - No change from previously refused scheme - Reasons for refusal have not been overcome - Overdevelopment - Overlooking and loss of privacy - Loss of light - Visually intrusive - Increased traffic and congestion at the estate entrance - Highway safety - Impact on local infrastructure - Increased pollution and noise - Noise impact of Winchester Road upon new occupiers - Loss of trees - Impact upon wildlife - Loss of green space - Disturbance to residents during construction - Would set a precedent - Visual impact upon character of the area - No need for new housing in the area The two representations in support of the application made comment that development of the site would tidy up the land, provide needed new housing, is well designed and would sit well with the character of the area.		
Fair Oak Parish Council:	No Objection.		

Urban Design:	The site lies close to the northern edge of Fair Oak village within a suburban area. The main views of the site are from Delamere Gardens, although there would be glimpsed views of the proposed development available from Winchester Road and potentially 'The Fox & Hounds' Public House to the north of the site. The proposed layout is considered to be acceptable, balanced and in keeping with the scale and character of the existing building. The quantum of development proposed for the site seems to be appropriate and providing sizable, detached and semi-detached dwellings with sufficient, private, and useable amenity space for future occupants. No objections in principle to the proposed height, form, scale or appearance. The use of red brick, plain tiles hanging, and natural slate is supported, and it reflects the surrounding development.
Landscape:	Since the previous application, the 'Trees and Development' SPD has been adopted. That proposed does not comply with the SPD in that the replacement trees proposed are not sufficiently large enough to accommodate the scale of tree planting now required.
Environmental Health:	The site will be impacted by traffic noise from Winchester Road to the east, as such residents will need to be protected. The supporting noise assessment was conducted in December 2021 during the pandemic lockdown, as such is not representative of the current situation. Notwithstanding, the application can be conditioned for a noise assessment, including detailed acoustic mitigation measures to meet EBC noise standards to be submitted and approved by the LPA. In addition, a condition is requested for a validation report to be submitted to the LPA on completion of the development and prior to occupation, showing that the necessary standards have been met. A condition requiring submission and approval of a CEMP is also requested.
Ecology:	The ecology comments submitted for F/21/90322 remain relevant to the present application and the updated Preliminary Ecological Appraisal (PEA) (southern Planning Practice). The site lies within the red impact zone for Great-crested newts but given the nature of the habitats on site (entirely modified, managed grassland) they do not represent a constraint to this application. The NPPF and Policy DM11 require a net gain for biodiversity. The proposals here have not specifically quantified whether the proposals as presented can deliver this required uplift. However, given the nature of the habitats on site and providing the proposed enhancements in the PEA are secured it is my professional judgement that a small uplift can be achieved which would be policy compliant. The drainage scheme and recommendations within the PEA can be secured via an appropriately worded condition on any granted permission. On this basis I raise no objection on ecological grounds.
Hampshire Highways:	No objection. Vehicular and pedestrian access is acceptable considering the nature of the proposed and neighbour development. Driveways and parking area are acceptable, with the parking area

	being sufficiently wide enough to allow forward gear access and egress. Conditions requested relating to provision of accesses and parking prior to occupation, and submission of a CEMP.
Southern Water:	No objection.
Hampshire Flood and Water Management Team:	Site is not large enough to be covered by the flood authority's remit.
Natural England:	No comments received.

Site Visit:	Yes ☒	No ☐
Details: 29/11/2023 Note: It was getting dark and latest photographs did not come out well. However, it was obvious there has been little to no change to the site or immediate surroundings since the previous application was dealt with and considered at appeal.		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM6, DM8, DM11, DM13, DM14, DM23, DM24, DM29 and DM30. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals; Trees and Development; Biodiversity.

Assessment:
Proposals: The application seeks full planning approval for the construction of 8no. two storey dwellinghouses in the form of 4no. detached four-bedroom properties and 2no. pairs of semi-detached, three-bedroom dwellings. The properties would be accessed from Delamere Gardens to the west and offroad parking provided for each dwelling, with this incorporating detached single garages for plots 1 and 4. Private amenity space is situated to the rear of each property which is proposed to be predominately laid to lawn and enclosed with a 2m high close boarded timber fence. The existing fencing which spans the length of the western boundary of the site would be removed, along with the existing trees that are present on the verge which lies between this and the highway (Delamere Gardens). Context: The application site is of a narrow rectangular shape and extends to an area of approximately 0.23 hectares. It is comprised of a parcel of grassland which had previously been part of 'Oakfields', a former Wesleyan Chapel fronting onto Winchester Road which was converted to a residential dwelling in the 1980s and which lies to the east of the site. The site is accessed from Delamere Gardens to its western perimeter with a field style gate demarcating the entrance point. The remainder of the site is enclosed predominantly by a close boarded timber fence. In terms of topography the site is generally flat, with a

gentle fall from south to north. There are no trees within the site, however, there are a number of relatively immature street trees along the eastern edge of Delamere Gardens which formed part of the landscaping scheme for the adjacent residential development (Crowdhill Green).

In addition to 'Oakfields', the eastern boundary of the site is also bordered by a further residential property 'Hillview' as well as a small stable block and associated ancillary structures. To the west and south is the Crowdhill Green development comprising of a total of 330no. dwellings (see planning history) which is formed of a mixture of detached, semi-detached and short terraces of two-storey dwellings, predominantly of red brick construction with some examples of render and hanging tiles being present. The site lies close to the new northern edge of Fair Oak Village, although the immediate surrounding area and Winchester Road in particular still retains something of a semi-rural character.

Policy & Principle:

Following adoption of the current Local Plan, the application site is now within the urban edge – albeit land immediately to the east lies outside the urban edge – meaning that the basic principle of development is acceptable. However, any formal planning approval is dependent upon how well that proposed is considered to accord with the relevant policies of the adopted Local Plan and Supplementary Planning Documents.

In this instance, the most relevant policy is DM1, which requires any new development to be of a high standard of design which takes appropriate account of site context and that of the immediate surrounding area. It also requires development to minimise its impact upon existing and future occupiers or provide appropriate mitigation. In addition, it requires natural features worthy of retention to be protected. Other relevant policies are referenced where necessary below.

Previous Refusal & Appeal Decision:

The previous planning application for the same scheme was refused on the grounds of:

- the effect of the proposed development on the living conditions of occupants of neighbouring properties, with particular regard to overlooking;
- whether a satisfactory standard of accommodation would be provided to future occupants with particular regard to noise and overheating;
- the effect on the character and appearance of the area;
- the effect on highway and pedestrian safety; and
- the effect on designated nature conservation sites.

The Appeal Inspector found in favour of the Appellant on all but the last issue, where the submitted legal agreement required to secure mitigation towards water quality impact was not signed. As such, the planning appeal was dismissed, but purely on what was effectively an administrative technicality.

Whilst dismissed, the appeal, which was determined on the current Local Plan policies, is a very significant material consideration which clearly sets out the acceptability of the appeal scheme. Given that the application now under consideration is an exact copy of that considered at appeal, the planning weight given to the detailed appeal decision is substantial and must be taken into account.

Layout, Form, Scale & Design:

Being a long narrow site, layout options were relatively limited. By pulling the dwellings relatively close to the highway, this provides sufficient room to the rear for useable amenity space. It also pushes offroad parking to the side of plots, meaning that the street is not dominated by hardstanding. Whilst concerns have been raised suggesting that the site is being overdeveloped, it is actually considered to provide a good balance between making efficient use of the space available, in a manner which respects the pattern and nature of development it most relates to (Delamere Gardens), without resulting in an over intensification of built form.

The two storey scale and pitched roof form of the dwellings reflects that of existing properties in Delamere Gardens, as do their proposed materials and appearance. As such, the development should sit quite comfortably within the existing street scene and general character of the immediate locality.

Street Scene & Area Character:

Objections have been raised that the development is out of keeping with the character of the locality and would result in the loss of a green space. In response, the Inspector stated that “the site could not reasonably be described as forming a ‘rural edge’ or contributing in any meaningful way to any nearby countryside or landscape character. The immediately surrounding area is one that would be better described as suburban.

“From that perspective, the proposed development, visible from both Delamere Gardens and Winchester Road, would introduce development where there is currently none. However, the design, form and layout of the development is such that it would assimilate to an acceptable standard with the surrounding area, set against the background of established properties, and with each individual dwelling accommodated comfortably within its plot.

“In conclusion, the proposed development would have an acceptable effect on the character and appearance of the area, in accordance with the relevant provisions of LP Policy DM1.” Given there are no material changes to planning policy or circumstances, the LPA are in agreement with the Inspector’s conclusions in relation to the current scheme, which is identical to that considered at the appeal.

Access, Parking & Highways:

Whilst concerns have been raised by objectors in relation to site access, parking and traffic impact, no objection has been raised by Hampshire Highways who are satisfied that the existing junction onto Winchester Road can deal with the relatively modest level of additional traffic movements. This backs up the opinion of the Inspector, who raised no concern, stating that “Overall, I conclude that matters relating to highway and pedestrian safety and convenience are acceptable.”

Proposed parking provision meets the current Council standards, with room for occasional visitor parking along Delamere Gardens. A condition requiring this parking provision to be provided prior to occupation is recommended, as are the conditions requested by Hampshire Highways.

Amenity:

Neighbours:

Concerns have been raised in relation to overlooking and loss of privacy to existing neighbouring properties. This was looked at in detail by the Appeal Inspector who stated, “There is no dispute that the separation distances between proposed Plots 1 and 2 and Hill Cottage would meet the SPD guidance. However, the separation distance between Plot 3 and Oakfields falls short of the SPD guidance. Nevertheless, from the evidence before me and my observations on site, this arrangement, falling just short of the SPD guidance, would be acceptable in this location. Ultimately, the proposed development would not give rise to an unduly harmful loss of privacy to the occupiers of those neighbouring properties. In respect of the established properties on the opposite side of Delamere Gardens, a typical cross-street relationship would be created. There would be no harmful loss of privacy to the occupants of those properties.” In addition, the internal layout of Plots 2 & 3, as well as the position of first floor windows, is such that any potential overlooking is further reduced.

With regards to loss of light and visual intrusion, whilst the relationship with No.8 Savernake Way is not ideal, Plot 8 is sufficiently far enough away from the shared boundary between the two properties so as to not result in any unacceptable impact in these respects.

To conclude, the Inspector states, "Overall, I conclude that the proposed development would not harm the living conditions of neighbouring occupants, in accordance with the relevant provisions of Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) (LP, adopted 2022)." Given there are no material changes to planning policy or circumstances, the LPA are in agreement with the Inspector's conclusions in relation to the amenity of neighbouring occupiers given the current scheme is identical to that considered at the appeal.

A further amenity issue to consider is that of neighbours during construction. Whilst building works will inevitably result in some disturbance, conditions can be applied to restrict working hours, as well as requiring a Construction Environment Method Statement to be agreed with the Council prior to any works commencing.

Future Occupiers:

With regards to the amenity of future occupiers, that proposed exceeds all minimum standards in terms of internal floor space and private garden sizes. All plots would have a good quality outlook and acceptable levels of privacy and natural light.

One of the previous reasons for refusal related to concerns on overheating of the dwellings due to the potential need for mechanical ventilation to overcome the noise impacts of the nearby Winchester Road. In their appeal decision, the Inspector set out that "there is no substantive evidence before me to demonstrate that the inclusion of acoustic mitigation measures, including the potential for mechanical ventilation systems, would automatically result in the overheating of the proposed dwellings. The size and position of the proposed windows are typical of a domestic property and would be openable, and the dwellings are dual aspect. Details of landscaping, insofar as it may assist with cooling, can be dealt with by condition. Moreover, I accept the evidence before me in respect of overheating being dealt with through Building Regulations processes.

"Consequently, I conclude that the proposed development would provide an acceptable standard of accommodation for future occupants, in accordance with the relevant provisions of LP Policies DM1 and DM3." Again, given there are no material changes to planning policy or circumstances, the LPA are in agreement with the Inspector's conclusions in relation to the resulting standard of accommodation for future occupiers.

Drainage & Servicing:

Foul and surface water drainage would be connected to the existing systems serving the neighbouring Crowdhill development. Whilst the surface water SuDs system is in private ownership, there is sufficient capacity within the system to deal with the proposed development. Conditions requiring all drainage to be provided and working prior to occupation is recommended.

With regards to servicing the development, this would be easily achieved and can be added to that already undertaken for the Crowdhill development.

Trees & Nature Conservation:

There are no trees of significance on the main part of the application site. However, there are a number of small immature street trees which have been planted in the verge along the eastern side of Delamere Gardens which would need to be removed in order to provide a number of the dropped kerb access points to the proposed dwellings. Whilst removal of these trees is not ideal, they do not appear to have established well and currently provide little in the way of amenity value. As such, replacement trees are proposed within this verge.

However, as has been highlighted by the Council's Landscape Officer, the proposed replacement trees are not sufficient in number or scale to accord with the Council's 'Trees and Development' SPD, which was adopted in April 2022. It is acknowledged that there may be some scope to provide additional/larger trees with a modified site layout. However, the removal and proposed replacement of trees was considered by the Appeal Inspector, who raised no significant concerns in this respect. As such, it is considered

excessive/unnecessary to revise the site layout in order to gain one or two additional relatively modest trees.

In terms of nature conservation, no objection has been raised by the Council's Ecologist given the very limited habitat value of the current site. Notwithstanding, there is scope within the proposed development to provide some biodiversity net gain through the inclusion of bat and bird boxes, as well as suitable soft landscape planting. A condition securing these enhancement measures is recommended.

Nitrates & Phosphates:

Natural England have advised that the increase in wastewater from new housing developments within the borough is having a detrimental effect on the quality of water entering the Itchen and Solent catchment areas through nitrification. As such all developments for additional housing are required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

The application site would use the Chickenhall Lane wastewater treatment works, which discharges into the River Itchen. As such the proposed development is required to achieve nutrient neutrality for both nitrogen and phosphorus. Eastleigh Borough Council does have a scheme which takes land out of agricultural uses and creates recreational spaces, thus reducing the nutrient output of the land. This scheme would be available to the applicant, although they have not confirmed if they intend to make use of this scheme or provide another form of mitigation. In either case, suitable mitigation can be secured by way of an appropriately worded planning condition.

Recreational Disturbance:

The site lies outside the 13.8km catchment area for the New Forest Special Protection Area and 5.6km catchment area for the Solent Bird Aware Scheme. As such, no mitigation is required in terms of wider recreational disturbance resulting from the development.

Habitats Regulations:

Any proposed residential development in this area will have a likely impact upon The Solent SPAs. As such, an Appropriate Assessment under the Habitats Regulations has been completed and forwarded to Natural England for comment. However, the necessary consultation period for Natural England to respond has now passed without any comments being received. Notwithstanding, Eastleigh borough Council as the competent authority can still determine the application.

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 Environment 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 adopted local 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 local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted 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, 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 reduce/limit impacts on climate emissions as a result of the development or its use.

No specific details have been provided as to what additional sustainability measures are proposed. However, there is scope to include measures such as PV panels, electric vehicle charging points, etc.

Equalities Implications:

Section 149 of the Equalities Act 2010 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.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

For the reasons set out above, and those set out within the Appeal Inspector's decision, the application is recommended for approval subject to updated versions of the conditions originally recommended.

- Approved drawings
- Commencement within 3 years
- No commencement within 21 days
- CEMP
- Working hours
- No burning
- Japanese Knotweed removal
- Drainage details
- Drainage management
- Materials
- Landscape scheme
- Landscape 5 year replacement
- Submission of a noise assessment and mitigation measures
- Water consumption
- Nutrient mitigation
- Part 42 access standards
- Parking provision (no garage conversions)
- Bin & cycle storage
- Access provision
- Biodiversity enhancement
- Obscure glazing