

DELEGATED OFFICER REPORT

Application Ref: F/26/100809

Site Address: The Orchard, 5 Westgate Mews, Kenilworth Gardens, Southampton, SO30 3RE

Case Officer: Gary Osmond

Description: Construction of 8No. detached dwellings with associated amenity space, parking and landscaping

Particular Site Constraints?	Yes ☒	No ☐
- Within the urban edge - Adjacent to commercial haulage yard - Adjacent to Cricket Stadium		

Planning History?	Yes ☒	No ☐
Z/32089/003/00 – Reserved matters pursuant to application 32089. Construction of detached dwelling (amended design) – Approved Apr 1994		
Z/32089/001/00 – Reserved matters pursuant to application 32089. Construction of detached dwelling – Approved Sept 1993		
Z/32089/000/00 – Outline: Construction of 5 houses – Granted Jul 1992		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	A total of 25 representations have been received all objecting to the application and raising the following issues and concerns: - Will add to existing parking and access problems along Kenilworth Gardens - Site access not suitable to serve the number of dwellings proposed - Site access is too narrow for two way traffic - Site access not suitable for large construction vehicles - Will add to existing traffic and congestion issues in the area - Highway safety concern - Insufficient parking to be provided - Additional noise and disruption - Dust and pollution - Trees and hedging have been removed - Westgate Mews is a private road – who will take responsibility for its upkeep and repair - Previous planning permission for Westgate Mews restricted width of access for safety reasons - No safe pedestrian or cycle access proposed - Loss of light - Loss of outlook - Loss of privacy - Impact on wildlife - Too many dwellings proposed for the site - Out of character with the area - Impact on local amenities Of particular note is a representation from Pitter Brothers Ltd. who own and manage the neighbouring commercial haulage yard. They highlight that their workshop building is only 100 yards away from the application site. Whilst the workshop's core hours are between 6am and 9pm, vehicle movements across the wider site can occur at any		

	time, 24 hours a day, 7 days a week. They also highlight that the yard is lit during the hours of darkness for safety and security reasons. As such, the proposed new dwellings would be exposed to noise and light disturbance.
West End Parish Council:	No comments received.
Urban Design:	Having reviewed the revised proposals against the comments made on the earlier scheme (Pre-app comments dated:02/18/2025), it is considered that the fundamental concerns remain largely unresolved. In particular, it is noted that the overall quantum of development remains unchanged, with eight dwellings still proposed on the site. As previously highlighted, this level of development continues to feel excessive in relation to the site's constraints, resulting in a scheme that appears tightly arranged and overly intensive. The revised layout does not sufficiently introduce the sense of spatial relief that would be expected to support a high-quality residential environment. As a consequence, the amount and usability of private outdoor amenity space across the scheme remains a key concern. Whilst some plots benefit from modest improvements, the overall provision still appears constrained and does not reflect the character of development in the surrounding area, where more generous gardens and spacing between buildings are a defining feature. This continued lack of adequate private amenity space raises concerns in relation to future residents' wellbeing, long-term liveability, and alignment with good design principles. The revised proposals also continue to rely on the removal of a number of existing trees, including mature specimens, to accommodate the proposed layout. It is considered that the level of tree loss remains disproportionate and undermines opportunities to retain and integrate meaningful green infrastructure within the scheme. A reduction in unit numbers would offer greater scope to retain existing trees, introduce more substantial areas of soft landscaping, and strengthen the ecological and visual contribution of the site. Specific concerns previously raised in relation to Units 1 and 2 also remain relevant. Unit 1 continues to appear constrained between neighbouring dwellings, with limited separation distances and the loss of existing vegetation exacerbating issues of overlooking, overbearing impact, and loss of privacy for adjoining properties. While the amended siting of Unit 2 represents a marginal improvement, there remain concerns regarding its relationship with neighbouring land and the potential for adverse impacts in terms of outlook and daylight. Similarly, the relationship between the existing main dwelling on site and the proposed new development remains problematic. The proximity of new units on both sides significantly reduces its sense of breathing space and privacy, particularly following the removal of established boundary vegetation. In terms of layout efficiency, concerns remain regarding the parking arrangement for Units 6, 7 and 8, with rear garden depths still appearing limited. Opportunities to reposition parking and visitor spaces to improve garden sizes and boundary setbacks do not appear to have been fully explored. The siting of Unit 6 close to the boundary also continues to raise concerns.

	It is acknowledged that there are no objections in principle to the proposed building heights, which remain broadly consistent with the previous scheme. However, height alone does not mitigate the cumulative impact of density, spacing, and landscape loss. The amendments to Unit 1 and Unit 2, in terms of built form and roof design, appear to increase bulk and overlooking, which does not respect the scale, privacy, or amenity of adjacent neighbours. The proposed changes are inconsistent with the surrounding context and could result in adverse impacts, particularly through overshadowing, visual intrusion, and loss of neighbourhood character. Finally, as with the earlier submission, the revised pack does not clearly set out any sustainability or environmental measures. Given current policy expectations, further information is required to demonstrate how the development will address energy efficiency, water use, sustainable drainage, biodiversity enhancement, electric vehicle and cycle charging, and broader climate resilience measures. Conclusion: In summary, while the revised drawings show a degree of evolution from the previous proposal, they do not adequately address the core concerns previously identified. It remains strongly encouraged that an alternative layout with a reduced number of dwellings is explored. Such an approach would allow for improved spacing between buildings, more generous and usable private amenity space, greater retention of existing trees, and a stronger landscape-led design. This would result in a more balanced scheme that better reconciles built form, parking, and landscape, and avoids the perception of overdevelopment of the site.
Landscape:	Although there is no in-principle objection to the development of this site, there are landscape concerns with the present proposal: a/ Density & layout – Proposed dwellings are pushed tight up to existing site boundaries with insufficient space for the successful retention of existing vegetation or new screen planting. Plot 6 and its garage would necessitate the removal of at least some of the existing Cypress hedge that provides important screening to the open lorry yard. b/ Access drive – Whilst it is for Highways and Urban Design Officers to provide detailed comments, it would appear that the current access is narrow and the additional traffic generated with 8 new houses would significantly impinge on the existing houses in Westgate Mews. c/ Existing trees – Looking at on-line images there appears to be a line of mature trees along the SE boundary to Utilita Bowl. Some of these trees are missing from the submitted information. There may have been tree removals prior to an application being made. If so, significant new tree planting is expected to balance any losses. d/ Landscape Proposals – Due to the proposed density, in too many places planting is proposed in restricted spaces. For example, the line of trees and native hedge between the existing house and Plot 3, is in a narrow strip that runs tight to the new-build. As a result, there is insufficient space for these trees to grow on to a decent size.

	The existing vegetation has not been clearly shown. The existing Cypress hedge is missing, which is very important as this appears to provide an effective screen to the unattractive lorry yard to the NE. There are too few new trees proposed and there is no location where there is space for a canopy species. Provision of connected Green Infrastructure is an important requirement for all developments. In summary, the proposed density is too high. As a result, there is insufficient space to successfully retain existing vegetation of value and also to deliver effective boundary screening.
Hampshire Highways:	Whilst there would be no objection in principle to the application from a highway perspective (subject to conditions), additional information is required prior to a formal response being issued. ACCESS: Access into the site from the highway is taken from Kenilworth Gardens, which onwards links into the private Westgate Mews via an existing drop kerb, which gives access to 4 dwellings. It is proposed that access into the development will be achieved through an extension to this and as such will remain private and not under the control of HCC as Local Highway Authority. No changes to the highway are proposed. This access is therefore acceptable in principle, however it would be requested that additional vehicle tracking drawings are provided which show two-way family car movements through the access point between Kenilworth Gardens and Westgate Mews as this looks tight. Whilst it may be an existing situation, only 4 dwellings currently utilise the access and as such there is little chance of conflicting movements requiring a vehicle to reverse onto the highway to allow another to exit Westgate Mews. With the increased dwelling numbers however, the potential for such instances would be expected to rise accordingly which would not be welcomed. INTERNAL SITE LAYOUT: Internally, considered to be from the very start of Westgate Mews, the site will remain private and as such of no specific concern to HCC Highways as it falls outside of our jurisdiction. However, an initial review of the internal layout has been undertaken and the following points are made which the Case Officer may wish to consider. - Two-way family vehicle movements look to be achievable throughout the site (bar the section outlined above), though it is tight and there may be need for resident give and take at points; - Refuse and emergency vehicle tracking has been supplied, which shows that the single vehicle movement around site is achievable. However, it does look tight, and any conflict such as an oncoming vehicle or a vehicle parked outside of a designated parking bay is likely to cause obstruction. This could prevent such vehicles from achieving full access resulting in missed bin collections, or potentially not being able to turn at the designated turning head. As such, it would be recommended that the EBC Direct Services Team and Hampshire Fire and Rescue are consulted if they have not been already.

	Onwards, it would be recommended that an on-site Management Plan is also set up to prevent such parking from occurring through private parking restrictions informed via the vehicle tracking drawings. - Pedestrian and cycle movements will be catered for via shared surfaces, and this is acceptable in this case were vehicle flows and speeds would be anticipated to be relatively low. - In terms of parking, the layout would appear acceptable, as would the quantum for resident parking specifically. However, for visitor parking only 1 space is proposed which appears potentially low for 8 dwellings, particularly given the lack of informal non-obstructive parking locations which could affect refuse and emergency vehicle movements as outlined above. The Case Officer may wish to consider this against the EBC Parking Standards. If the additional information can be provided, then a review can be undertaken accordingly, and a formal recommendation provided.
Trees:	"Since the pre-application enquiry, an A category tree on the southern boundary has disappeared. Can we find out why this tree was removed, please? Further, the loss of this tree will impact BNG calculations, so the Ecology Officer will have to be reconsulted."
Ecology:	The tree officer has informed Ecology that a tree has been removed. The landscape officer's response (26/2/26) also mentions potential tree removal in advance of the application. This will need to be accounted for in the revised biodiversity net gain submission. If habitat is cleared before an application is submitted, the baseline habitat value of the site will be taken to be its biodiversity value immediately before the carrying on of the activities, as per Schedule 14 of the Environment Act 2021, Pt 1, Para 6a-b with a cut-off date of 30th January 2020. Where there is evidence of deliberate neglect or damage to any of the habitats and species, their deteriorated condition will not be taken into consideration, and the ecological potential of the site will be used to decide the acceptability of any development proposals.
Environmental Health (Contaminated Land):	The provided report comprises a desk-based review of the site conditions, including historical map review, geology, hydrogeology, hydrology, radon, unexploded ordnance, historical landfills and the findings of infiltration testing exercise undertaken on 26/03/2024. In summary, I generally agree with the findings of the report and, although I would have considered the depot located to the northeast of the site as an off-site source of contamination, I consider a watching brief during ground works would be appropriate to identify any potential contamination as a result of this feature. Recommended conditions: Watching brief; & CEMP.
Environmental Health (Noise):	The site is adjacent to a commercial yard to the east and northeast, to the Utilita Bowl and in close proximity to the M27. The submitted noise report is not an easy to follow, includes a large amount of unnecessary information and does not provide enough guarantees regarding the potential noise impact of Pitter Commercials Limited and the Utilita Bowl venue. For these reasons I object to this development in noise grounds.

Environmental Health (Air Quality):	Due to the size of the development (less than 10 dwellings) we have no concerns regarding air quality.
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Site Visit:	Yes ☒	No ☐
Details: 18/03/2025 – See separate site photographs.		

Policy:

National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are listed below.

S1 – Delivering sustainable development
S2 – Approach to new development
DM1 – General criteria for new development
DM2 – Environmentally sustainable development
DM3 – Adaption to climate change
DM6 – Sustainable surface water management and watercourse management
DM8 – Pollution
DM11 – Nature conservation
DM13 – General development criteria – transport
DM14 – Parking
DM23 – Residential development in urban areas
DM24 – Creating a mix of housing
DM29 – Dwellings with higher access standards
DM30 – Internal space standards for new residential development
WE4 – Land at Ageas Bowl and Tennis Centre, Botley Road, West End

Supplementary Planning Documents:

Quality Places (Nov 2011) – *Also Eastleigh Quality Places SPD Consultation Draft (Dec 2025)*
Residential Parking Standards (Jan 2009)
Trees and Development (Apr 2022)
Environmentally Sustainable Development (Mar 2009)
Biodiversity (Dec 2009)

Assessment:

Context

The site lies on the south-eastern edge of West End within a generally residential area, albeit there is a commercial HGV yard immediately to its east, and land associated with the Utilita Bowl stadium to the south-east. The south-western boundary of the site marks the urban edge boundary, although there is a relatively recent residential development immediately neighbouring the site, with Telegraph Woods beyond this.

The site is situated at the end of Kenilworth Gardens, a cul-de-sac which runs through a housing estate of mainly two storey detached dwellings which date from the early 1990s. The site is quite large in size, particularly when compared to the size of most neighbouring plots, and is accessed through Westgate Mews, a development of four detached dwellings which were constructed a few years after those in Kenilworth Gardens. The current dwelling on site appears to have been constructed at the same time as those in Westgate Mews and is positioned along the higher south-western edge of the site. The remainder of the site slopes away quite steeply towards the opposite north-eastern boundary, with the lowest part of the site being in the far northern corner which forms an 'outcrop' of land behind Nos.3 & 4 Westgate Mews and properties in Kenilworth Gardens. Beyond this north-eastern boundary is Pitter Commercials yard.

In terms of boundary treatment, the most notable feature is the very tall and deep conifer hedge (approx. 6-7+ metres high and 3-4 metres deep) which runs along much of the north-eastern boundary with the Pitter's yard. At the northern end of this boundary is a 4.2 metre high brick boundary wall. Other features of note are the mature trees along the south-eastern boundary with the Utilita Bowl, one of which has recently been felled, together with a line of smaller trees along the rear boundaries of the Kenilworth Gardens properties which back onto the site. The remainder of the site boundaries consist of a hedge along the south-western edge, together with typical timber boundary fences atop retaining walls to the side and rear of the Westgate Mews dwellings.

Within the site itself, there are no particular natural features of note, other than site's sloped topography, which is a constraint which any scheme needs to work with. The other main constraint of this particular scheme is the existing dwelling, which is orientated in a manner which causes a number of issues.

Proposals

The application seeks consent for the construction of 8No. detached dwellings (7No. three-bed & 1No. four-bed), along with ancillary parking and private amenity space for each. These would be constructed around the existing dwelling which would be retained. Access would remain from Westgate Mews.

Policy & Principle

The application site lies within the urban edge where the basic principle of development is acceptable. The site is also within a predominantly residential area, meaning that again there is no objection in principle to further residential development. However, any formal planning approval will be dependent upon how well that proposed is considered to accord with the relevant adopted local plan policies and supplementary guidance. In this instance the main policies to be considered are DM1, DM8, DM11, DM13, DM14 and DM23.

Policy DM1 requires new development to have no unacceptable impact upon the "amenities of new and existing residents; the character and appearance of urban areas, the countryside and the coast", make efficient use of the site, as well as "take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses 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." It goes on to state that "Where adjoining development is poor in urban design terms, new development should contribute to improving the character of the area".

Policy DM8 states that "Development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through: a) air pollution (including odours or particulate emissions); b) pollution of surface, underground, coastal waters or other watercourses; c) noise or vibration; d) light intrusion, both generally and with respect to the South Downs National Park's status as an International Dark Night Skies reserve; or e) land contamination." It goes on to state that "Development susceptible to particular forms of pollution will not be permitted... where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects". Given the proximity of the neighbouring HGV yard and sports stadium, impact upon the amenity of future occupiers of the development will be a significant consideration.

Policy DM11 relates to nature conservation and requires the impact of development upon areas of nature conservation interest to be appropriately protected and/or mitigated, with the level of mitigation required being dependent upon the importance of the nature conservation interest.

Policies DM13 and DM14 relate to transport and parking. DM13 states that "All new development must have safe and convenient access to the highway network and make provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate." DM14 states that "New residential development will

be required to provide off-highway parking which is adequate in terms of highway safety/traffic management. Provision will take account of the adopted Eastleigh Borough Council's Residential Parking Standards SPD which sets out minimum requirements for parking provision." It should be noted that the Residential Parking Standards SPD has now been superseded by the 'Eastleigh Borough Parking Standards' SPD which was adopted in September 2025.

In principle therefore, further development of the site for residential purposes is acceptable. However, formal 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.

Site Layout

Although the principle of developing the site for residential purposes may be acceptable, there are significant concern with the scheme proposed. Whilst it is noted some minor revisions to the site layout have been undertaken following previous pre-application advice, these revisions do not address the main concern in relation to the amount of development currently proposed and the resulting impact this has on various aspects of the scheme.

Whilst in numerical terms the application site may be a good size, and the density proposed not particularly high, the shape of the site and its other physical constraints, in particular its topography and the substantial hedge and wall along the north-eastern boundary, will limit the number of units which can be acceptably achieved. In addition to these natural constraints is the intension to retain the existing dwelling, the size and orientation of which add further complications to achieving an acceptable site layout with the number of units proposed. Although the rationale for retaining the dwelling is understood, the need to retain an appropriately sized plot for its use, scale, and setting effectively sterilises a significant proportion of the whole site. To add to this, there are concerns that the size of the plot retained for the existing dwelling may be too small in order to provide an appropriate setting for the property. Of particular concern is how Plot 1 is squeezed into the space between the existing dwelling and No.2 Westgate Mews, as well as the close proximity of Plot 3, which again impinges upon the building. Developing the remainder of the site as proposed and retaining the existing dwelling will result in it appearing out of place and somewhat disjointed from the remainder of the scheme, particularly given its prominent position and orientation compared to the remainder of the proposed development.

The amount of soft landscaping around the retained dwelling would also be in quite stark contrast to the remainder of the development which lacks sufficient room to provide worthwhile soft landscaping and new and replacement tree planting. This is particularly so for the frontage of most plots, especially Plots 3 & 4, the frontage of which would be dominated by vehicle parking and lacks room to provide them with any form of setting.

The general position of Plot 2 is an improvement upon that previously proposed but further thought as to how it turns the corner and acts to some extent as the gateway building into the development is required.

Plot 6, as set out below, would be dominated by the current boundary hedge, with an equally poor outlook to the front of the retaining structures to the rear gardens of Westgate Mews. It also lacks any frontage to soften the approach into the top end of the site, which will be generally dominated by hardstanding, parking and a turning head. Whilst Plots 7 and 8 have a little more in terms of frontages, these both again are dominated by hardstanding.

As has been clearly set out in the response from the LPA's Urban Design and Landscape Officers above, it is considered that the layout is too cramped and adversely compromised by the retained site constraints, namely the existing dwelling and substantial boundary hedge, which will dominate the whole bottom end of the site and what little public/communal space remains. Whilst the submitted site layout and landscape drawings

do not clearly show this hedge to be retained, it has been confirmed in writing that the hedge will be retained except to the rear of Plot 6, where the current 4.2 metre high boundary wall would be extended to replace it.

It has been highlighted by the applicant that Local Plan Policy DM23 states that new residential development within the urban edge should achieve a minimum density of 40 dwellings per hectare. That proposed for the application site would equate to approx. 18 dwellings per hectare ($8 / 0.45 = 17.8$), less than half that required by the policy. However, it is also states within the policy that that this density "should be achieved unless site constraints or local character justify a lower density." Given the particular constraints of the application site, it is unlikely that a development of 40 dwellings per hectare could be successfully achieved. Site constraints would justify a lower density figure and in principle there is no objection to providing 8 or more units on site. However, it needs to be demonstrated that any scheme proposed works by taking into account the site's constraints, addressing them appropriately, and creating an appropriate quality of environment for future occupiers. That proposed does not achieve this and the application is considered to fail to meet the requirements of Policy DM1 of the Local Plan and the Council's 'Quality Places' SPD in this regard.

Form, Scale, Design, Street Scene & Area Character

There is no objection to the generally two storey scale and relatively traditional form of the proposed dwellings which would follow the prevailing character of existing surrounding development. The appearance of the proposed dwellings whilst being of no architectural note are nonetheless inoffensive and would again follow the general character of existing surrounding development.

As to the visual impact upon Kenilworth Gardens, given the position of the site at the end of a private drive at the end of a cul-de-sac, the development would not easily be seen from any public vantage points. Given the height of Plots 3 – 5, it is likely that they would be visible from land around the Utilita Bowl to the south of the site, particularly now a sizable mature tree has been removed. However, the dwellings would be some distance from the main public areas around the stadium, only being visible across an area of ground used for event parking. In terms of the visual amenity of the wider area therefore, there would be no unacceptable impact.

Highways, Access & Parking

In terms of the development's impact upon the wider highway network, whilst a reasonable number of additional vehicle movements through Kenilworth Gardens would result, this number would have little impact beyond the street.

Access would be via the existing shared driveway through Westgate Mews, which is a relatively narrow private driveway intended to serve the existing five dwellings, including the application site. It is not constructed to usual highway standards in terms of width and has no dedicated pedestrian footways. Whilst this is acceptable to serve the current five properties, increasing the total number of properties to 13 raises a number of concerns, most notably increased disturbance through additional vehicle movements, as well as a higher probability of conflict between vehicles, cyclists and pedestrians. This has been raised as a major concern of those who have objected to the application and has been highlighted in the response received from Hampshire Highways. Whilst the Highways Authority have not objected to that proposed, they are not yet satisfied that the current site access is workable for the number of dwellings it would be required to serve. Ideally the existing access would need to be widened and upgraded, however, it is not clear if this would be possible or if it is within the applicant's ability to do so given Westgate Mews is a private access.

Additionally, it has not been fully established whether the existing access and proposed road layout within the site would be suitable to allow a refuse vehicle to service the development. Although a tracking drawing has been provided within the supporting transport statement which shows that it would be possible for a refuse vehicle to enter the site and turn around, it equally demonstrates how tight the layout is and that the tracking

shown would only work if other vehicles are parked within their designated spaces. As has been highlighted as an ongoing problem within Kenilworth Drive, it only takes one poorly parked car to block access to larger refuse or delivery vehicles, with bin collections being routinely missed.

In terms of parking, all plots are shown as having two dedicated spaces, with Plot 6 having four. This level of provision does meet the Parking Standards SPD requirements for the size of each dwelling. The layout also shows two visitor spaces, one adjacent to Plot 2's parking and one in a layby. There is also scope for informal parking in places but as has been highlighted above, such parking would restrict the ability for a refuse vehicle to access and turn on site.

In terms of parking and highway matters, whilst the parking requirements of Policy DM14 are met, reservations remain as to the suitability of the existing access to serve the scale of the resulting development. As such, it is not considered that it has been sufficiently demonstrated that the requirements of Policy DM13 for new development to have a "safe and convenient access" has been met.

Amenity

Amenity (Existing Neighbours):

Whilst some objections have been received on the ground of loss of privacy, light and outlook, in most cases it is not considered that the proposed development would result in any unacceptable impact in these regards due to the orientation and proximity of the proposed dwellings in relation to existing neighbouring properties. There is one exception to this. There is concern that the position of Plot 3, which would present a high gabled flank elevation to the existing dwelling, No.5 Westgate Mews, will adversely impact the outlook from the front of No.5. Whilst it is acknowledged that Plot 3 would sit at a lower level than No.5, the scale, depth and relatively close proximity of the flank elevation to No.5 will nonetheless still negatively impact the amenity of occupiers of No.5. Whilst this on its own may not be sufficient to warrant a dedicated reason for refusal, it does help to demonstrate how cramped the proposed layout is.

Notwithstanding there are unlikely to be any significant issues in relation to loss of privacy, light or outlook for existing neighbours, there are other amenity concerns in relation to disturbance resulting from a more intensive use of the site, particularly the increase in vehicle movements through Westgate Mews and at the top of Kenilworth Gardens. Westgate Mews was never intended to deal with the level of traffic which would result, or even through traffic. As such, even a modest level of vehicle movements will have a negative impact upon the amenity of these occupiers.

Other concerns have been expressed with regards to noise, dust and disturbance during construction. Building works will inevitably result in a degree of disturbance to neighbouring occupiers but it is possible to address many of these issues via conditions and the submission and approval of a Construction Environment Management Plan (CEMP). However, the apparent ongoing access issues for larger vehicles through Kenilworth Gardens due to inconsiderate parking is something of a concern which would equally apply to construction and delivery vehicles.

Amenity (Future Occupiers):

With regards to the amenity of future occupiers, there are a number of concerns which are principally related to the site layout.

In relation to purely amenity, Plot 1 appears to be generally acceptable in terms of privacy, light and outlook. However, this does not overcome the urban design concerns set out above relating to how tightly the plot is squeezed in between the existing dwellings.

Plot 2 raises no particular amenity concerns and is the plot with the largest and least constrained garden. It's slightly raised position above Plot 6 does raise some potential overlooking issues, but not sufficient to warrant a reason for refusal.

The very close proximity of the parking in front of Plots 3 and 4 and the impact this would have upon the outlook from these properties is something of a concern, but again not sufficient to warrant a reason for refusal.

The frontage to Plot 5 is an improvement over the pre-application scheme but only because its parking has been moved to the side of the dwelling where it would be squeezed between the flank wall of the house and the large conifer hedge. The height of this hedge, which it has been confirmed will be retained, will impact upon light and outlook to Plot 5, as well as dominate its garden. If retained the hedge will also take up a substantial part of the plot given its current depth which cannot be reduced without resulting in a detrimental impact to its health and appearance. Equally the depth of the existing hedge and planting along the south-eastern boundary, including trees, will reduce the area of usable garden space for Plots 3, 4 and 5. Given these are the largest dwellings in terms of floor area, having noticeably smaller gardens again raises questions as to the amenity of future occupiers and the cramped layout of the development.

The impact of the sizable boundary hedge and/or extended 4.2 metre high boundary wall is a significant concern for Plot 6, which would be dominated by the hedge and wall, resulting in poor outlook and inadequate light to the rear elevation and garden space. This could only be addressed by substantially reducing the height of the current boundary proposals or revising the proposed site layout.

Whilst Plot 8 will not be impacted by the boundary hedge, having a 4.2 metre high brick boundary wall along its north-eastern boundary will impact light to and outlook from the dwelling, as well as dominate its garden. Whilst it is noted that there are a number of other residential properties in the locality which border the neighbouring commercial yard and whose boundary is marked by a substantial brick wall, none appear to be of the height of that which exists adjacent to the application site. Notwithstanding, these other developments were approved some years ago when the standards of what was and was not considered acceptable may have been less rigorous than today.

Finally, there are concerns at the quality of outlook from the front of Plots 7 and 8, which would consist predominantly of parking and other areas of hardstanding, including a turning head for the refuse vehicle.

Whilst there may be no individual amenity concern which on its own could justify a refusal of the application, other than perhaps Plot 6, cumulatively there are sufficient concerns to question whether the quality of environment for future occupiers of the development really meets the requirements expected of a well-considered development which works with the constraints of the site. The vast majority of these amenity concerns are a result of the cramped site layout and nature of units proposed.

Noise

Given the site's close proximity to Pitter's HGV depot and commercial yard, noise from vehicle movements, vehicle maintenance, plant and general operational noise of the yard is a concern. There are also other commercial premises further away from the HGV depot, all of which have no restrictions in terms of noise or operating hours. Additionally, the site is very close to the Utilita Bowl cricket ground, which is frequently used for music events in addition to sports events, and immediately to the south of the site is the cricket ground's main car park, where late night car movements will be a source of noise every time there is an event. Whilst there are some controls on the use of the stadium and its associated surrounding land, these will not entirely prevent disturbance of future occupiers of the development.

The application is supported by a noise assessment which has been reviewed by the Council's Environmental Health Team. This assessment identifies that noise from the neighbouring commercial yard will adversely impact the amenity of future occupiers without adequate mitigation measures. It suggests that measures such as closing workshop doors during the day would help to reduce noise impact. Whilst this is true,

there are no means by which to ensure this can be achieved. Other mitigation proposals are extending the existing 4.2 metre high boundary wall (and potentially raising it to 5.0 metres), which whilst potentially addressing the issue of noise disturbance, brings with it the concerns set out above in relation to outlook, light and domination of gardens.

The neighbouring Pitters yard has been operating for many years and as such has no planning restrictions or controls on the nature of activities which can take place or the hours of use. Indeed, it has been confirmed directly by Pitters Commercial that the site and workshop will often operate during unsociable hours, including weekends. It is very possible that complaints could be made against the business from future occupiers. Whilst it is accepted to some degree that future occupiers will be aware of the presence of the yard next door, being aware of it and being willing to live with it can be quite different. Using the 'Agent of Change' principle, it would be unreasonable for the LPA to grant permission for a development which may lead to the need to take action against an already established use because of that approval. The onus is therefore on the applicant to demonstrate that suitable mitigation can be achieved through their own development without impacting the operation of the neighbouring use. Based on the information provided, this has not been demonstrated sufficiently and is therefore contrary to Policy DM8.

Equally, it is not considered that the submitted noise report adequately addresses the impact of activities at the neighbouring Utilita Bowl. The noise levels set out in the report do not correspond with those registered from the stadium on different applications. The methodology used is also not considered to be appropriate to assess the impact of live music upon residential properties.

Overall, it has not been adequately demonstrated that the impact of activities at the neighbouring commercial yard and sports stadium can be acceptably mitigated so as to prevent an unacceptable level of noise disturbance to future occupiers of the development, contrary to Policies DM1 and DM8 of the adopted Local Plan. This will form one of the suggested reasons for refusal.

Trees & Landscaping

Whilst there are no trees on or immediately surrounding the site which are subject to any Tree Preservation Orders, it is very disappointing to see that a number of trees have been removed prior to submission of the planning application, including a category 'A' Oak on the south-eastern boundary with the Utilita Bowl, together with a number of trees along the north-western boundary with properties in Kenilworth Gardens.

These removed trees will need to be replaced in accordance with the Council's 'Trees and Development' SPD, which sets out the number and nature of replacement trees required in Appendix 1. Using the details submitted at the time of the pre-application for this site in March last year, and that seen during the case officer's site visit, the 'A' category Oak removed would have had a trunk diameter of around 55cm. Using the table in Appendix 1 of the SPD, this needs to be 'replaced' by no less than five new trees. All other non-category A or B trees need to be replaced on a one-to-one basis. These replacement trees need to be of a species similar to those removed, as such sufficient room needs to be given to allow them to establish and be able to grow to maturity. Based on the site layout proposed, whilst there are one or two potential landscape pockets outside of the individual private curtilages of the proposed dwellings where replacement tree planting would not be deemed appropriate, these would not be sufficient or suitable for new replacement tree planting. The proposed layout cannot therefore meet the requirements set out in the 'Trees and Development' SPD and would not accord with the requirements of Policy DM1 on ensuring natural features are taken into consideration. This will therefore form a reason for refusal.

Similarly, the layout provides inadequate space for suitable green infrastructure to soften and provide an appropriate setting for the development.

For those trees which are shown to be retained, it would appear based on the submitted arboricultural report and method statement, that they can be suitably protected during the course of the development. Notwithstanding, there is the potential for future occupiers wishing to undertake work to or even removal of retained trees due to shading of gardens, etc.

Ecology

Whilst no specific ecological concerns have been raised relating to impact of the development upon existing site habitat, the Council's Ecologist has identified a number of discrepancies with the information submitted. A number of potential ecological enhancement measures are suggested within the supporting ecology report, however, these are standard features such as bird/bat boxes and hedgehog holes in boundary fences. No significant on-site ecological enhancements are proposed, which given the size of the site and potential for new planting, etc is somewhat disappointing.

Biodiversity Net Gain (BNG):

The application is required to meet the statutory requirement for a 10% biodiversity net gain. This is calculated by assessing the quality of habitat on site and using the statutory metric to allocate a unit figure. Whilst the application is supported by the necessary BNG metric, as set out above, there are a number of discrepancies which mean that an accurate figure for the site's baseline value cannot be established. This baseline needs to include those trees which have been removed, which would have contributed significantly to the ecological quality of the site. Until this baseline figure is accurately established, the level of BNG required cannot be calculated. As such, this will form a further reason for refusal.

Notwithstanding the queries regarding the correct BNG baseline, the applicant has already acknowledged that they will not be able to meet the necessary 10% improvement on site and are relying on purchasing off-site credits from a suitable scheme. Whilst this is allowed, again it is disappointing to see that such an approach is being taken when best practice is to achieve the uplift in BNG on site, which given its size should be possible.

Nutrients:

As a residential development, the proposal will have an impact upon the water quality of European Protected Sites and these impacts need to be addressed in line with the Habitats Regulations. 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 Wastewater Treatment Works, in this instance the Portswood Treatment Works, which discharges into the Southampton Water and Solent SPAs and so causes eutrophication affecting the features for which it is designated.

The Council has set up scheme to address this issue, which the applicant has stated they intend to use. At present, this mitigation will not need to be secured prior to planning permission being granted but must be secured prior to the development being occupied.

Recreational Disturbance – New Forest SPA:

Natural England have also raised the issue of new residential development resulting in more visitors to the New Forest National Park and subsequent increased recreational disturbance. The site falls within the 13.8km radius of the New Forest where new residential schemes need to contribute toward mitigation projects.

Eastleigh Borough Council is in talks with Natural England to develop a permanent strategy to tackle this issue. In the interim, the Council has set up a New Forest mitigation scheme, which the applicant would be able to use. Whilst there is no requirement to use the Council's scheme, mitigation which is acceptable to Natural England will need to be secured prior to any planning consent being granted. Given this mitigation has not been secured, this will form a reason for refusal so that the issue can be suitably addressed should the refused application be taken to appeal.

Recreational Disturbance – Solent:

The site falls inside the 5.6km zone of the Solent SPAs/Ramsar sites where additional population will increase the level of recreational disturbance of bird species. As such, development of the site will need to contribute to the Solent Recreation Mitigation Strategy. As with the New Forest mitigation this will need to be secured prior to any planning consent being granted. Given this mitigation has not been secured, this will form a reason for refusal so that the issue can be suitably addressed should the refused application be taken to appeal.

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 would need to be completed and forwarded to Natural England for comment were the application recommended for approval. However, as the application is to be recommended for refusal, no assessment has been undertaken, albeit the lack of securing appropriate mitigation will form a further reason for refusal should the planning application be appealed, thereby allowing the matter to be suitably addressed.

Land Contamination

Given the close proximity of the neighbouring HGV yard, there is the potential for contamination to have migrated onto the application site. As such, the application is supported by a land contamination desk study. As set out in the Environmental Health response above, no significant issues have been raised, albeit a watching brief during ground works is recommended and could be conditioned were the application to be recommended for approval.

Drainage

Policy DM6 requires all new development to incorporate Sustainable Drainage Systems (SUDS) and wherever feasible, naturalised filtration should be included within the treatment train. Given the tight site layout there is no room to provide any form of naturalised filtration or water storage. The topography of the site is such that surface water will need to be collected in a large underground attenuation tank before being pumped uphill to the existing surface water sewer near the site entrance. Equally, foul drainage will also need to be pumped off site to the main foul sewer in Kenilworth Gardens. Whilst an entirely engineered drainage solution, given the site is just under 0.5 hectares in size, there is no policy requirement within DM6 for naturalised filtration to be used.

Planning Obligations

As the proposed development is for less than ten units and will not exceed 1,000 sqm in floor area, there is no ability for planning obligations to be sought to offset the impact of the development upon local facilities and infrastructure.

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; (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.

Based upon the information submitted, it does not appear that any specific sustainability measures over and above those required by Building Regulations are proposed.

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 ☒

Planning balance

The site lies within a sustainable location inside the urban edge and would form part of an established residential area. As such, redevelopment of the site is considered acceptable in principle. However, when weighing up the pros and cons of that proposed, the concerns are considered to outweigh any benefits of the scheme.

In favour of the proposed development is that it would contribute to the Borough's housing supply need, which currently stands at 4.2 years. It would also provide a modest contribution to the local economy through the provision of construction jobs and future residents who could contribute to the local economy. However, these are benefits which would result from most redevelopment schemes, so is considered to carry relatively modest weight in the planning balance.

In terms of neutral benefits, it would be possible to secure mitigation to offset the development's impact upon designated sites in terms of water quality and recreational disturbance. There would also be the requirement to achieve 10% biodiversity net gain. However, these mitigation and enhancement measures are required for all new development of a similar scale, so carry no weight in the overall balance.

However, whilst these modest benefits are acknowledged, they are outweighed by the various concerns set out above – amenity, access, noise, ecology, etc. These issues are as a result of failure to adequately take into account and work with the site constraints. Whilst the proposed density of the site is not particularly high, the proposed layout has still resulted in a cramped and unnecessarily constrained scheme which would result in a poor quality of environment for future occupiers, and which would very likely result in an unacceptable level of increased disturbance to existing neighbouring properties. As such,

the application is considered to be contrary to the adopted Local Plan policies and supplementary planning documents set out above and is recommended for refusal.

Layout:

The proposed development fails to adequately take into account the site constraints, resulting in an unnecessarily cramped and constrained development which fails to provide an appropriate quality of environment for future occupiers, or provide adequate room for soft landscaping and new/replacement tree planting, to the detriment of the amenity of future occupiers and the character of the locality. As such the application is considered to be contrary to Policy DM1 of the Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.

Access:

It has not been demonstrated that the existing site access via Westgate Mews is sufficiently adequate and suitable for the scale of the development proposed, and that it would not lead to an unacceptable impact upon the amenity and safety of existing Westgate Mews residents and future residents of the proposed development. As such, the application is considered to be contrary to Policies DM1 and DM13 of the Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.

Amenity:

The proposed site layout fails to mitigate the oppressive effect of the retained boundary hedge and wall, which will adversely impact the outlook of future occupiers of the development and light to the proposed dwellings and their gardens. This together with the excessive amount of hardstanding will dominate the development, to the detriment of the amenity and quality of environment for future occupiers. As such the application is considered to be contrary to Policy DM1 of the Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.

Noise:

It has not been demonstrated that the amenity of future occupiers of the development would not be unacceptably impacted by noise and other forms of disturbance from neighbouring commercial uses, and the neighbouring sports stadium, contrary to Policies DM1 and DM8 of the Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.

Trees:

It has not been demonstrated that sufficient new trees can be accommodated within the resulting development to replace those which have been removed in accordance with the Council's 'Trees and Development' Supplementary Planning Document, or that neighbouring trees would not be put under future pressure as a result of the development. As such, the application is considered to be contrary to Policy DM1 of the Eastleigh Borough Local Plan 2016-2036 and the above-mentioned Supplementary Planning Document.

Protected species and biodiversity:

It has not been demonstrated that the proposed development will not result in harm to protected species or their habitat. Neither has it been demonstrated that the development can provide a biodiversity net gain of at least 10%. As such, that proposed is considered to be contrary to Policy DM11 of the Eastleigh Borough Local Plan 2016-2036 and the requirements of Schedule 14 of the Environment Act 2021.

Nitrates and recreational disturbance:

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), and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policies DM1, DM10 and DM11 of the Eastleigh Borough Local Plan 2016-2036, the

provisions of the NPPF (2023) and the Conservation of Habitats and Species Regulations 2017.