

## DELEGATED OFFICER REPORT

**Application Ref:** F/26/100728

**Site Address:** LAND ADJACENT TO APPLE TREE COTTAGE, WINCHESTER ROAD, BOTLEY, SOUTHAMPTON, SO32 2DH

**Case Officer:** Katie Lasham

**Description:** Construction of 3no. 2-bedroom dwellings with parking, landscaping and access from Winchester Road.

| Particular Site Constraints?                                                                                                                                                                                                                                                                                                                                         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
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| <ul style="list-style-type: none"><li>• Within designated countryside</li><li>• Local Plan housing site BO4 "Land north of Myrtle Cottage, Winchester Road"</li><li>• Within catchment area of Solent and Southampton Water SPA and SAC and River Hamble SAC</li><li>• Solent Recreation Disturbance Zone</li><li>• New Forest Recreation Disturbance Zone</li></ul> |                                         |                             |

| Planning History?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
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| <p>A range of planning applications have been submitted either on site to develop the whole of Local Plan housing site BO4, or for certain parcels of land within the policy allocation to be developed, but of most relevance to this application is planning reference F/26/101013, which comprises a development for the remaining land use allocation of Policy BO4.</p> <p><i>F/26/101013: Erection of part two, part three storey retirement living building with 50 apartments, associated communal lounge, house manager's office, external enclosed refuse and electric scooter/cycle stores and sub-station; erection of a pair of detached dwellings; improved vehicular access and new pedestrian access to Winchester Road, internal roads, car parking and hard and soft landscaping. Resolution to grant subject to completion of S106 (Committee decision).</i></p> <p>Also of relevance to this site are planning applications at Land Adjacent Pear Tree Inn:</p> <p><i>F/26/100881: Erection of 6 dwellings with associated parking and landscaping and creation of new access from Winchester Road. Provision of pedestrian footpath connecting from Boorley Gardens to Winchester Road. Refused July 2026.</i></p> <p><i>F/24/97934: Erection of 6no. dwellings with associated parking and landscaping and creation of new access from Winchester Road. Refused December 2024. Appeal dismissed: APP/W1715/W/25/3363580.</i></p> |                                         |                             |

| Publicity:       | Letters <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Site Notice <input checked="" type="checkbox"/> | Newspaper <input type="checkbox"/> |
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| Representations: | <p>Two objections have been received from the same neighbouring property at Apple Tree Cottage:</p> <ul style="list-style-type: none"><li>• Loss of light to neighbouring property</li><li>• Overshadowing</li><li>• Loss of privacy, particularly from location of first floor windows.</li><li>• Loss of trees to create access that as existing blocks noise from road</li><li>• Creation of major road work issues and access to neighbouring property impacted by works</li><li>• Visually intrusive development overlooking into house and garden</li><li>• Dust and odour from building works and damage to footings from vibrations during construction.</li><li>• Party Wall issues (this is not a material planning issue)</li></ul> |                                                 |                                    |

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| Botley Parish Council:                             | <p>Objection, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Proximity of development to neighbours</li> <li>• Removal of oak tree</li> <li>• Lack of pavement and designated crossing place on highway</li> <li>• Shared access of the driveway by 6 vehicles</li> <li>• Reasons for refusal on planning app F/24/97934 can be applied to this application.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Hedge End, West End and Botley Planning Committee: | Objection. Referred to planning committee if recommendation to grant. As scheme is to be refused, a decision can be delegated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Trees:                                             | <p>Objection. Due to number of dwellings proposed, a large parking is required, set underneath tree canopies with trees pinched between established highway and parking area. Negative impact created on trees increasing chance of pruning / felling.</p> <p>Inconsistency in plans and tree report; plans show grass crete with no mention of proposed cellular confinement system as proposed by the arboricultural consultant. Based on the finished floor levels of the parking area, this will need to inform finished floor levels of the dwellings and could create an increase in ridge height of up to 30cm.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Hampshire Highways                                 | <p>No objection subject to conditions.</p> <p>Access into the site is proposed via a widening to the existing vehicle crossover that serves Apple Tree Cottage, and then essentially separating it into two access points of a minimum 5.0m each, which is achievable between the constraints of a telegraph pole and a street light column which abut either side.</p> <p>Adequate visibility splays shown and space afforded to access in a vehicle. these works should be completed prior to on site construction. Onwards, the access will provide a shared surface pedestrian access which is acceptable given the quantum of development in this specific case and will link to existing footway network on opposite side of Winchester Road. Formal hard surface footway proposed through the hedge with appropriate dropped kerbs.</p> <p>On-site, whilst this will not be put forward for highway adoption, an initial review has been undertaken, and the layout would appear tight with parking spaces provided being below the 2.5 x 5.0m required by the EBC Parking standards (approx. 2.4 x 4.8m) and aisle widths below the standard 6.0m which will enables easy on-site turning for forward gear access and egress.</p> |
| Environmental Health                               | <p>No objection</p> <p><u>Contaminated Land</u><br/>Site designated as "suspected land" (tipping and burning) which has potential to have caused contaminated land. No information provided and site is to be used for residential dwellings, so five conditions (both pre-commencement and mitigation conditions) required.</p> <p><u>Noise</u><br/>Proposed dwellings are facing Winchester Road (B3354), where there are considerable traffic and noise arising from cars. The drawings show a substantial distance from the road to the building façade but acoustic calculations should be carried out to understand if the dwellings required any other mitigation (enhanced glazing and ventilation). For this reason, a noise assessment will be required and must include a noise survey over an acceptable period.</p> <p><u>Air Quality</u></p>                                                                                                                                                                                                                                                                                                                                                                                |

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|                  | The development is considerable low risk and the number of parking spaces and the proposed cycle storage are acceptable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Southern Water   | No objection. No new soakaway should be proposed within 5m of public surface water sewer. Provides advice on SuDS implementation. Request landscape details are provided to Southern Water to ensure landscape in proximity of Southern Water's public apparatus is protected.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Ecology          | <p><u>Species</u><br/>This site is in an amber impact risk zone for great crested newts. There are records of bats very close to the site with records of stag beetles, hedgehogs and badgers nearby. No objection subject to conditions, enhancements and compliance with recommendations set out in Ecological Appraisal Report by Hampshire Ecological Services (October 2025).</p> <p><u>Biodiversity Net Gain</u><br/>Quote provided from Hampshire Ecological Services to meet off site biodiversity net gain requirements. Purchase of credits to be conditioned.</p> <p><u>Drainage</u><br/>Infiltration is proposed; permeable paving for the drive and grass crete for the parking areas are proposed to the front of each property. Exceedance flows to be discharged into a ditch at front of the site.</p> |
| Natural England: | Objection. Adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site from increased recreational disturbance. The impacts are also likely to affect the features of the associated Sites of Special Scientific Interest which underpin the above habitats site designations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| <b>Site Visit:</b>       | <b>Yes</b> <input checked="" type="checkbox"/> | <b>No</b> <input type="checkbox"/> |
| Details: 4 February 2026 |                                                |                                    |

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| <b>Policy:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Legislative Background:</b></p> <p>Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined in accordance with the Development Plan (policies detailed above) unless material considerations indicate otherwise.</p> <p><b>National Planning Policy Framework</b></p> <p>At a national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The NPPF states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development.</p> <p>The three identified dimensions of sustainability should to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development appropriately responds to the different opportunities for achieving sustainable development in different areas.</p> <p><b>Planning Practice Guidance</b></p> |

Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

**Development Plan:**

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 (Delivering sustainable development), S2 (Approach to new development), S3 (Location of new housing), S5 (New development in countryside) and S9 (Green infrastructure); Development Management policies DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM5 (Managing flood risk), DM6 (Sustainable surface water management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM24 (Creating a mix of housing), DM29 (Dwellings with higher access standards), DM30 (Internal space standards for new residential development); and Land Use Allocation Policy BO4 (Land north of Myrtle Cottage, Winchester Road).

**Supplementary Planning Documents:**

Quality Places (June 2026); Parking Standards (September 2025); Biodiversity (December 2009); Trees and Development (April 2022); Environmentally Sustainable Development (March 2009); Planning Obligations (June 2026).

**Assessment:**

**Site and its surroundings**

The application site is land adjacent Apple Tree Cottage, located in Boorley Green, that measures 0.065 hectares and is currently laid to grassland with perimeter trees and hedging to the front and south side curtilage of the site and some other small trees within the site. The site is understood to have been previously owned by the occupants of Apple Tree Cottage and this has since been sold and subsequently physically segregated by way of a 1.8m timber close board fence separating Apple Tree Cottage from the proposed development site.

The site is identified as countryside in the adopted Local Plan, but the surrounding area has seen significant development in recent years, principally from the Boorley Green development located to the east of the site. A recent appeal on a site further to the south at Land Adjacent Pear Tree Inn (appeal reference: APP/W1715/W/25/3363580) was previously concluded by PINS as being an area with a changing context that is now more appropriately understood as developed. This is considered a material planning consideration when assessing the character of the proposed site and surroundings.

The site forms a small area of land within the wider 1.1 hectare site allocation under local plan Policy BO4 for the development of approximately 22 dwellings. Apple Tree Cottage and Oak Cottage also within the site allocation are to be retained. A full planning application (planning application reference: F/26/101013) for the remainder of the site, measuring 0.9ha, for 50 retirement living apartments, two detached market dwellings and ancillary provisions, received a resolution to grant planning permission at Planning Committee in June 2026 subject to securing a Section 106 agreement. The two market dwellings sit immediately to the west of this application site.

To the northwest and west of the site is the Boorley Gardens development of 680 dwellings, for which construction is underway. A hotel is located immediately east of the site and Pear Tree Inn is set to the south of the site. Ribbon development is located along this part of Winchester Road, with dwellings characterised as being set well back from the road on large plots and the road being lined with mature hedging and trees with narrow vehicular entranceways into dwellings, creating a verdant characteristic to the road, despite its proximity to ongoing development within the immediate vicinity.

The site is not located within a Conservation Area, nor are there any listed buildings or designated sites of nature conservation interest within the site. However, the site is located within the 5.6km Solent Mitigation Disturbance Zone associated with the Solent and Southampton Water Special Protection Area (SPA) and the 13.8km catchment zone for the New Forest SPA, Special Area of Conservation (SAC) and Ramsar site in relation to recreational disturbance.

### **Description of application**

The application proposes the erection of three two-storey terraced dwellings with associated car parking and landscaping. Dwellings benefit from private outdoor amenity space as well as bin and cycle storage, with a bin collection point located to the front of the site. Six vehicle parking spaces are proposed in a linear design located at the site frontage, set within immediate proximity of the site boundary trees.

The scheme proposes a new vehicular access off Winchester Road as well as the loss of some low-level hedging to the opposite side of Winchester Road to allow pedestrians access to the footpath opposite.

### **Principle of development**

The application site forms the southern eastern corner of the housing site allocated under Policy BO4 "Land north of Myrtle Cottage, Winchester Road" of the Local Plan. As previously mentioned, the policy allocates roughly 1.1ha of land for approximately 22 dwellings. This application includes the redevelopment for the parcel of land measuring approximately 0.065ha immediately south of Apple Tree Cottage to create three terraced dwellings. Apple Tree Cottage, also within the policy allocation, is not proposed to alter as part of this proposal.

The principle of development on this site for residential dwellings, as per the policy allocation, is acceptable. As planning permission F/26/101013 for 50 retirement living apartments and two detached market dwelling has a resolution to grant permission on this allocated site, this proposal will create a further surplus of dwellings beyond that set out within the site allocation. Paragraph 4.13 provides supporting text to Policy S3 "Location of new housing" and advises that the site allocations provide an indicative number of dwellings for each site and the Council will consider whether higher dwelling numbers can be justified when determining a planning application, following more detailed work and provided the proposal is in accordance with other policies in the plan.

Therefore, as the principle of residential development on this site is acceptable, the impact of the increase in number of dwellings will need to be assessed against the other policies in the local plan to determine if the additional dwellings can be accommodated without having a significantly detrimental impact on the surrounding area, infrastructure and environment.

### **Layout, design and impact upon the character of the area**

Policy DM1 of the Local Plan is of relevance to the assessment of the application in respect of its layout, design and impact upon the character of the area. This policy states that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. The site is located within designated countryside and therefore Policy S5 of the Local Plan applies, whereby new development in the countryside should avoid adverse impacts on the intrinsic character of the landscape.

The application site lies to the south of Apple Tree Cottage, set off Winchester Road, and comprises trees along both the eastern (front) and southern (side) perimeter of the site. Due to existing mature tree and hedging, views into the site are limited when viewed from Winchester Road. Whilst the Boorley Gardens development offers a distant backdrop from the site, the immediate land of the site is laid to grassland. Policy BO4 (criterion h) sets out that development within the policy allocation should provide a good quality landscape

setting for the development (including buffer planting on the Winchester Road frontage) and should maintain and reinforce boundary hedgerows that are compatible with adjoining uses.

The proposed three dwellings are to be served by a new vehicular access fronting onto Winchester Road. The existing dwelling at Apple Tree Cottage will retain its existing 5m width vehicular entrance, and the proposed new entrance serving the new dwellings, also measuring 5m in width, is to be located immediately adjacent the existing entrance. This will result in 10m of continuous open frontage fronting onto Winchester Road and a consequential removal of over 2.5m of mature front boundary hedging into the site. The street scene plan neatly demonstrates that the proposal will create a substantial area of open frontage viewed from Winchester Road, permitting unrestricted views into the site for at least 10metres. As existing, this area of Winchester Road is characterised by mature hedging and trees to both sides of the road and narrow vehicular entranceways into dwellings, offering a verdant and leafy setting which this scheme would fail to assimilate with. The removal of hedging, new accessway and the felling of a tree within the site to create space for the entrance and driveway fails to respect the existing verdant characteristic of the road. Furthermore, due to the amount of built form, hardstanding and parking spaces shown on site which extend right up to the site frontage, there is insufficient space on site to provide any meaningful replacement of hedging and mature soft landscaping to the site boundary to mitigate harm identified, and to provide buffer planting along Winchester Road, as is required by Policy BO4 (h) of the Local Plan, demonstrative of overdevelopment of the site.

To exacerbate the harm identified, the proposal seeks to install 6no. parking spaces which are to be almost entirely located within the Root Protection Area of existing trees along the site perimeter with one parking space less than 0.5m from a tree trunk. This places pressure on these trees to be pruned or felled, further impacting the long-term visual amenity of the road and thus further removing the scheme from the existing established character.

With regards to the design of the dwellings, the proposed dwellings are orientated to front onto Winchester Road and they respect the front building line of existing dwellings along this part of the road, ensuring the pattern of development by way of orientation and front building line align with the established character of the road.

However, properties along this immediate context of Winchester Road are characterised as being detached dwellings set within sizeable plots, with spacious gaps between each property, offering a loose grain of development that is characteristic of this designated countryside location. The design, layout and density of the development which comprises three terraced dwellings of a uniform appearance set on modest plots and a linear arrangement would appear incongruous and out of keeping with the existing pattern of ribbon development to this part of Winchester Road.

Also, the application proposes built form and hardstanding across most of the width of the site and most of the site frontage and as such the proposal fails to respond appropriately to the existing character which is one of openness and is demonstrative of a cramped and overdeveloped scheme. Whilst it is accepted there are some terraced units further to the north on Winchester Road, they form part of the new residential scheme at Boorley Gardens and act as the gateway dwellings into the site and assimilate appropriately within their context of the new build development, which this scheme is both visually and contextually separate from. Also, from the site entrance, dwellings within the Boorley Gardens development are partially visible, however these are set well into the distance from the roadside and are primarily detached dwellings which also offer a more spacious arrangement, further demonstrative that the proposal fails to put forward a scheme that positively relates to its existing surroundings.

Policy S3 of the Local Plan allows the provision for more housing beyond that set out within the site allocation if it can be demonstrated as being acceptable in all regards. The site is allocated for 22 dwellings within 1.1hectares of land, creating a density of 20 dwellings per hectare; this application proposes three dwellings within 0.065hectares of land, creating a density of 46.15 units per hectare, over double that set out within the policy provision. This

is further demonstrative of overdevelopment of the site. It is accepted that the assisted living apartments are also above the density per hectare as set out within the policy, however this neighbouring application within the site allocation is set back from Winchester Road as to not disrupt the established character fronting onto Winchester Road, and as retired living apartments, these are smaller units proposed within one apartment building.

The proposed modest loss of hedging to the opposite side of the road to create access for occupants onto the pedestrian footpath is considered acceptable to ensure the character of the area is not materially harmed in this regard.

Taking account of these factors, it is considered that the development would be notably at odds with its surroundings and would have a detrimental impact on the prevailing character of the site and the Winchester Road street scene. It would also result in a cramped and overdeveloped plot, that does not offer any set back or subservience from the roadside. The number of properties proposed on the site, required parking provision and hardstanding which do not allow space for buffer planting along Winchester Road are all demonstrative of overdevelopment of the plot at the expense of the character of the road. In these respects, the development is contrary to Policies S5, DM1 and BO4 of the Eastleigh Borough Local Plan 2016-2036 and the aims of the Quality Places SPD.

### **Residential amenity**

Policy DM1 of the Local Plan requires new development to not have an unacceptable impact on, and where possible should enhance, residential amenities of both new and existing residents, whilst Paragraph 135 of the NPPF stipulates that planning decisions should ensure that development provides a high standard of amenity for existing and future users. Policy DM8 states that development will not be permitted if it is likely to cause loss of amenity through, amongst other things, odours, noise or vibration, and that development susceptible to particular forms of pollution will not be permitted where it will be adversely affected by such pollution, unless measures are taken to mitigate the polluting effects. Policy BO4 (i) of the Local Plan requires developments on this site allocation to ensure an acceptable noise environment for new homes is provided through suitable noise mitigation measures.

### **Existing Occupiers**

The nearest dwelling to the application site is Apple Tree Cottage, which is set immediately north of the site, with built form of the proposed scheme spanning near to the side curtilage between these two sites.

The most southerly built form of Apple Tree Cottage nearest that of the application site is single-storey in scale, with the two-storey part of the dwelling set roughly 6.2m away from the side building line of the northern most proposed dwelling. The distance between the proposed dwellings and this existing neighbouring dwelling is sufficient to ensure the dwellings are not unduly overbearing on this neighbour.

A representation has been received by the neighbour at Apple Tree Cottage raising concerns with the proximity of the proposed dwellings creating harmful overshadowing and loss of light. There is an existing side window on the single-storey side element of Apple Tree Cottage; as this serves as a secondary window, any potential loss of light is not considered to be of detrimental harm. Furthermore, at the time of the site visit, it was evident that a boundary fence has been erected separating the existing dwelling to the application site, which abuts the window, restricting most light from entering this window. The built form of the proposed dwellings is also set a sufficient distance away to ensure there is no considerable harm afforded to them by way of overshadowing. The rear windows serving Apple Tree Cottage are also considered safeguarded, with the 45-degree line not broken, ensuring there is no significant loss of light to this neighbouring property.

The representation also raised an objection with regards to the proposed windows on the side gable of the nearest most plot to them, as there is concern this will create direct

overlooking and loss of privacy into their property. The proposed first-floor side window to each end of terrace dwelling serves an en-suite and is labelled on the plans as being obscure glazed. As this window is to serve as a non-habitable room, it can be approximately conditioned to be fixed shut below 1.7m from finished floor level and obscure glazed to ensure neighbouring amenity by way of privacy and overlooking is safeguarded. The properties are also considered a suitable distance away to ensure there is no harmful loss of privacy to this neighbour's rear garden space.

The recent planning application (planning reference: F/26/101013) for Land at Oak Cottage, which has a resolution to grant permission for 50 retired living units and two detached dwellings, will comprise the two private market detached dwellings in the land nearest the application site. These two detached market dwellings are orientated so that their side elevation face onto the application site. The rear elevation of the proposed terraced dwellings are at least 13 metres away from the side curtilage of the two detached properties to ensure their amenity is preserved in all regards.

The proposed terraced dwellings are also set a suitable distance away from Myrtle Cottage to ensure this neighbour has an appropriate level of retained privacy, no harmful overbearing impacts, nor any undue harm by way of loss of light or overshadowing.

For the reasons outlined, the scheme is considered to preserve the amenity of all existing neighbouring occupants, as well as future occupants of the two market dwellings to be built to the east of the site and is in accordance with Policy DM1 of the Local Plan and the aims of the Quality Places SPD.

#### Future Occupiers

The application will create three terraced dwellings fronting onto Winchester Road. Each dwelling benefits from off-road vehicular parking and bin storage, with the middle plot able to gain access from their rear garden to the site frontage by way of a footpath spanning the rear and side perimeter of the southernmost plot. Sufficient daylight / sunlight to each habitable room is provided. The dwellings each meet the Nationally Described Space Standards as required to accord with Policy DM30 of the Local Plan, with each of the two-bedroom, two-storey dwellings offering an internal space of 82sqm, over that of the 70sqm required. Whilst it is accepted that the dwellings will have some overlooking onto each other, particularly from first floor rear windows onto private garden spaces, this is a typical and mutual arrangement for terraced dwellings and is expected for this type of development.

Each of the garden's range in size and are significantly smaller in scale than surrounding neighbouring gardens. Nonetheless, the Council's Quality Places SPD states that the expected garden area should be equivalent to 60% of the floorspace of the dwelling to which it relates (49sqm is the minimum garden provision for the 82sqm of floorspace for these dwellings). The garden of plot 1 (southernmost plot) measures 85sqm, Plot 2 measures 47sqm and Plot 3 measures 73sqm. Plots 1 and 3 comply with a garden provision over 60% of the proposed floorspace, however Plot 2 falls short of this minimum requirement by 2sqm. Whilst being 2sqm under the minimum provision is not considered so harmful as to render the outdoor amenity area of Plot 2 unacceptable, it does demonstrate overdevelopment of the site at the expense of future living conditions for residents. Each of the dwellings are of an appropriate depth and shape to provide a useable garden space for future occupiers.

Policy BO4 (i) of the Local Plan requires proposed dwellings to have suitable noise mitigation where necessary to ensure a suitable noise environment for future occupants. The Environmental Health officer was consulted on the proposal and raised concerns with regards to noise due to its proximity to Winchester Road if a noise assessment and any necessary mitigation is not secured. The EHO has therefore requested that a condition is added for the submission of a noise assessment, which must include a noise survey and provision of any required mitigation, to ensure that the future occupiers are protected, in accordance with Policy DM8 of the Local Plan. If the scheme was acceptable in all regards, this could be secured by way of a condition.

Overall, whilst the outdoor amenity area of Plot 2 falls moderately short of the requirements within the Quality Spaces SPD for providing a high-quality external living space, living conditions of both future and existing occupants would be acceptable subject to suitable conditions added, in accordance with Policies DM1, DM8 and BO4 (i) of the Local Plan.

### **Highway safety and parking**

Policy DM13 of the Local Plan requires that all new development has safe and convenient access to the highway network and makes provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must meet national and local guidance and standards, not cause or increase danger to road users or impact detrimentally on highway safety, and be provided without unacceptable environmental impact. Saved Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted Residential Parking Standards SPD. These policy provisions are consistent with the requirements of Section 9 of the NPPF.

Access into the site is proposed via a widening to the existing vehicle crossover that serves Apple Tree Cottage and then separating into two access points of a minimum 5.0m each, which is achievable between the constraints of a telegraph pole and a streetlight column which abut either side. This is acceptable, with adequate visibility and space afforded to access. If the scheme was to be acceptable in all regards, the access would be conditioned to be implemented prior to any site construction.

The access will also provide a shared surface pedestrian access, which is acceptable given the quantum of development in this specific case, which will link into the existing footway network located on the opposite side of Winchester Road, with a formal hard surface footway created though the loss of some hedging with appropriate drop kerbing. This would require a S278 Minor Works agreement, which would be secured if the application was acceptable in all regards, and works would be required to be completed prior to onsite construction.

In terms of parking, the Council's Parking Standards SPD requires that two-bedroom dwellings have 2 in-curtilage parking spaces per property, with an additional 20% uplift for visitor parking provision, which would equate to 1 space in this case. The dwelling specific parking requirements would be met by way of six vehicle spaces that face onto Winchester Road. However, there is insufficient space within the site for the provision of a visitor space, creating a shortfall of one vehicle parking space. Concern is raised in this regard, as Winchester Road is a classified B-road (B3354) and any shortfall in parking provision would encourage displacement off-site parking on Winchester Road creating risks to highway safety on this classified road. Although there are no parking restrictions on this road, as a commuter road connecting Botley to Boorley Gardens and beyond, any displacement on-road parking that this scheme would encourage through insufficient parking provision, would create unacceptable highway safety concerns, as well as impacting the amenity of neighbouring occupiers.

Further demonstrative of overdevelopment of the plot, Hampshire Highways explain that the parking spaces provided are below the 2.5m x 5.0m required by the EBC Parking standards (approx. 2.4 x 4.8m) and aisle widths for manoeuvring measure roughly 5.5m, below the standard 6.0m that enables easy on-site turning for forward gear access and egress. As the proposal creates parking spaces that do not meet the minimum space requirement and provide insufficient aisle widths for ease of vehicular movement, this could further encourage displacement parking with inability for future residents to use the parking spaces easily, creating highway safety concerns and this would impact the amenity of these future occupiers.

For the reasons outlined, the scheme fails to provide visitor parking provision in line with the Parking Standards SPD, parking spaces fall short of the minimum size requirements set out within the SPD and aisle widths also fall short of minimum requirements to enable easy parking, which will create risks of displacement parking and subsequent highway safety

concerns for on-road parking on Winchester Road, contrary to Policy DM14 of the Local Plan and the Parking Standards SPD.

### **Surface Water Drainage and Foul Drainage**

Policies DM6 and BO4 (e) of the Local Plan requires any new development to be permitted if it incorporates Sustainable Drainage Systems. The policy requires development to manage surface water runoff as close to the source as possible and that discharge rates should reflect those for that of a greenfield site.

As existing the site is a green field and is within Flood Zone 1 (low risk of flooding). The submitted Drainage Note provides an extract of EA Maps that shows the site is also considered to be at low risk of surface water flooding. The Drainage Note provides options for surface water discharge, with the preferred method being via infiltration. A secondary option would be to discharge into the existing ditch to the front of the site. Each dwelling is proposed to have a soakaway in the rear garden and permeable paving is proposed to the site frontage.

If the scheme was acceptable in all regards, a pre-commencement condition would be added to ensure the proposal creates a suitable strategy that effectively manages all surface water run-off at source.

Foul drainage would consist of a new pipe connection into the Southern Water sewers. Southern Water do not object to the proposal and if the planning application was acceptable in all regards, an informative note would be added to ensure the applicant consults Southern Water when proposing means of foul sewerage and surface water disposal.

For the reasons above, with the provision of a pre-commencement condition to ensure an appropriate surface water drainage strategy is provided, and with informative notes and conditions added informing the applicant of Southern Water's consultation response, the scheme is considered in accordance with the aims of Policies DM6 and BO4 (e) of the Local Plan.

### **Trees**

Policy DM11 of the Local Plan requires proposals to protect, conserve and enhance habitats including trees that are important to biodiversity and local character. The Trees and Development SPD seek for development to not involve the loss of trees that add to the value of the character of the area, for their appearance or for biodiversity, unless they can be replaced with features of equivalent or enhanced value.

There are two oak trees adjacent the highway that provide a significant amenity feature and help create a verdant and rural characteristic to this area of the public realm. The tree officer was consulted and raised an objection to the proposal principally as the proposed two oak trees to the site frontage, which are to be retained, will have car parking set directly underneath their tree canopies and car parking will be in immediate proximity of the tree trunks and are almost entirely within their root protection zone. One parking space is shown as being within 0.6m of the tree trunk of an oak tree. Due to the location of the parking spaces proposed, the trees are pinched between the highway and parked cars, which will have consequentially negative impacts on how the trees are likely to be treated and will create additional pressure on the trees for pruning and feeling. Also, as the parking spaces proposed fall short of the minimum space requirements set out within the Parking Standards SPD, there is also a reasonable likelihood that vehicular parking will extend even closer to the existing trees than as indicated on the proposed plans.

The application also proposes the felling of a Category C Common Hawthorn tree, with no replacement tree planting provided, contrary to the Trees and Development SPD. Due to the amount of developed area shown within the site, there are very few opportunities for replacement tree planting to be provided and therefore the requirement for a landscaping condition would not appropriately mitigate the harm created by way of loss of the tree.

Furthermore, Policy BO4 (h) makes clear that there should be buffer planting provided within the site that reinforces the soft landscaping to the boundary, which the scheme fails to do, with the site so heavily developed, it does not offer sufficient space for replanting of trees, demonstrative of overdevelopment of the plot.

Inconsistency in plans and the tree report are shown whereby the plans show grass crete with no mention of proposed cellular confinement system as proposed by the arboricultural consultant. If the scheme was to be acceptable in all regards, further details of the cellular confinement system and where this would be located could be dealt with by way of a pre-commencement condition, to ensure a plan showing all tree protection methods would be shown on a plan to be approved by the Council prior to commencement of works. Furthermore, finished floor levels of the parking area and necessary mitigation would inform finished floor levels of the dwellings and could create an increase in ridge height of up to 30cm. It is not clear if this has been accounted for within the ridge heights shown on submitted plans, and if the scheme was to be acceptable in all regards, this would have been further explored. For the purposes of this application, the scheme has been assessed based on the ridge heights as shown and any changes to this would be required to be re-assessed under a revised application.

Overall, the scheme proposes 6 no parking spaces in immediate proximity of trees that as existing offer significant and positive amenity value to the street scene, and as the location of these parking spaces increases the chance of damage to these trees even with mitigation proposed, trees have not been suitably safeguarded. Furthermore, the felling of a tree is not replaced by new tree planting as required by the Trees and Development SPD, nor is there space within the site for any meaningful replacement and buffer planting particularly to the site frontage as required by Policy BO4 of the Local Plan. Therefore, the scheme fails to comply with Policies DM1, DM11 and BO4 (h) of the Local Plan and the aims of the Trees and Development SPD.

### **Ecology**

Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, there is overall biodiversity net gain, and the benefits of the development clearly outweigh the adverse effects.

#### **Loss of hedgerows**

The application proposes the loss of hedging along the front perimeter of the site, as well as a small loss of hedging to the opposite side of the road, to create pedestrian access onto the footpath opposite for future occupants. The ecology officer raises no ecological concerns with regards to the loss of hedging to the site frontage. It is not clear from the Preliminary Ecological Appraisal (PEA) whether the removal of hedging to the opposite side of the road has been assessed, however the ecology officer raises no concern with the modest loss of hedging to the opposite side of the road, subject to the provision of an informative note for the applicant to be aware of breeding birds and for works to be completed outside of nesting season.

#### **Protected species**

The application is supported by a Preliminary Ecological Appraisal (PEA) which has found there is potential habitat for nesting birds, reptiles, foraging and commuting bats on site. Dormice and great crested newts have been ruled out due to barriers to dispersal to the site. No badger setts have been found on site, however if a sett is found within 30 m then further ecological advice must be sought.

The Council's Ecology team have been consulted on the application and have confirmed that the proposed mitigation measures are appropriate to prevent harm to the protected species found on site. If the scheme was acceptable in all regards, the mitigation measures and biodiversity enhancements could be secured by a condition.

#### **Biodiversity net gain**

In line with the provisions of the Environment Act, the application is subject to the mandatory 10% biodiversity net gain (BNG) requirement with the submission being supported by the completed BNG statutory metric and a BNG assessment.

The proposal will result in a loss of habitat due to the construction of three dwellings, and there is limited space on site for a meaningful replacement of biodiversity and habitat provision. It is therefore accepted that a 10% net gain would be difficult to accommodate on site. As such, the purchasing of off-site credits is an accepted means by which to achieve the requisite biodiversity net gain for the development. As these off-site measures, along with those for the retention, management and monitoring of the BNG provisions proposed have, however, have not been secured, this matter will form an additional reason for the refusal of planning permission with the proposals being contrary to the provisions of the Environment Act 2021, Policy DM11 of the Local Plan, and Paragraph 187 and 193 of the NPPF.

#### **Air Quality and Contaminated Land**

Policy DM8 of the Local Plan 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, air pollution (including odours or particulate emissions) or land contamination. Where a development site is known or suspected to be contaminated, the policy stipulates that before the site is developed the Borough Council will require the contamination to be remediated.

With regards to land contamination, the land is identified as 'suspected land' (tipping and burning), which has the potential to have caused contamination of the ground. Aerial imagery available shows that a hardstanding area and building structure (which it is assumed that it will be demolished) is located to the east side of the site; therefore, made ground is anticipated within this area. No information has been included in the application showing how land contamination risks have been/ will be appropriately considered. Due to this and the sensitivity of the end use proposed (residential with private gardens), the EHO has requested five conditions are added which require investigation and assessment of land contamination, and as appropriate provide the necessary mitigation of any discovered risks. If the application was acceptable in all regards, these conditions, which include pre-commencement conditions, would have been added.

In respect of air quality, the EHO raises no concerns, with the application site not located within an Air Quality Management Area and the site is considered low risk. The number of parking spaces and cycle spaces are acceptable with regards to air quality control. A Construction Environment Management Plan (CEMP) condition would have been added if acceptable in all regards to ensure an appropriate dust management plan and ongoing monitoring can be ensured during construction, which was also a concern raised by a neighbouring occupant.

Taking account of this, therefore, as well as the above factors and subject to the necessary conditional controls, there is deemed to be no conflict with the provisions of Policy DM8 in respect of the air quality and land contamination impacts both upon and from the development proposed.

#### **Impact upon European Protected Sites**

The Council, as the responsible body under the Habitats Regulations, must ensure as part of a planning application that a development will not have an adverse impact on any European protected sites and specifically in this case upon the European protected Solent Complex (SPA, SAC and Ramsar sites) and the New Forest SPA, SAC and Ramsar sites.

HRA (Habitat Regulations Assessment) Screening was required for this development as it falls inside the zone of impact of these designated sites and would result in a net increase in population. The screening concluded that the development could have a significant impact on the protected sites and the features for which they are designated through an increase in recreational pressure (in the case of both the New Forest and Solent Complex sites), as well as from nitrogen loading generated through leaching, principally from additional sewage from the new housing, in the case of the Solent Complex. This has the potential to undermine water quality and restrict the growth, distribution and variety of food available for species designated under European law. These impacts are required to be mitigated as part of the development proposals.

A nutrient budget calculation has been submitted with the application, and this has a positive output for nitrogen. It is not clear from the submitted Nutrient Neutrality calculations how the nutrient neutrality is to be achieved but if the scheme was acceptable in all regards, information on how the mitigation strategy would be achieved could be secured by way of condition.

An Appropriate Assessment has been undertaken in line with Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017. Natural England have objected to the proposal as they consider that the Council's New Forest Interim Mitigation Strategy does not sufficiently evidence or incorporate a precautionary approach. Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development would not adversely affect the integrity of the New Forest SPA/SAC/Ramsar.

Despite this, the Council approve of the Interim Strategy and therefore with appropriate mitigation payments being secured, European protected Solent Complex (SPA, SAC and Ramsar sites) and the New Forest SPA, SAC and Ramsar sites could be appropriately mitigated. However, as the scheme is being refused, contributions have not been secured. This matter will therefore form an additional reason for refusal of planning permission with the application being contrary to the provisions of Policies DM11 and BO4 (g) of the adopted Local Plan, Paragraphs 187 and 193 of the NPPF, and the Habitats Regulations.

### **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 2030; (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 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.

### **Planning Balance**

With the lack of a 5-year housing land supply the tilted balance set out in paragraph 11d) of the NPPF is engaged. As such it is necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The proposal would see the development of a site that is allocated within the local plan for residential development as set out within Policy BO4. It is considered an appropriate location for the proposed and the scheme would positively contribute towards the provision of two-bedroom market housing, at a time when the Council cannot demonstrate a 5-year housing land supply. These benefits are to be given significant weight. Similarly, the economic benefits arising from the construction jobs and associated spending together with the likely support of local services and facilities from occupiers should be given limited weight as they would be forthcoming from any residential development.

However, the proposal is considered to create considerable harm by way of design, layout, overdevelopment of the site, insufficient tree protection, no buffer planting provided on Winchester Road, lacking parking provision and inability for ease of vehicle movements. The proposal also fails to relate to the predominant character of the area and does not permit space for meaningful landscape planting to mitigate the harm.

Based on the detailed points set out in the report, as summarised in this section, it is considered that the benefits of the proposed development do not significantly and demonstrably outweigh the harm.

### **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:**

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|-----------------|----------------------------------------|---------------------------------------------------|
| Recommendation: | <b>PERMIT</b> <input type="checkbox"/> | <b>REFUSE</b> <input checked="" type="checkbox"/> |
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| Comments ... |
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