

DELEGATED OFFICER REPORT:**Application Ref:** F/23/96532**Site Address:** 34 MALLARDS ROAD, BURSLEDON, SOUTHAMPTON, SO31 8EJ**Case Officer:** Clare Martin**Description:** Construction of 2no. 1 bedroom flats and 1no. 2 bedroom house to the rear following demolition of existing 3 bedroom bungalow

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Within HRA screening area • Within Solent mitigation and disturbance zone • Within New Forest mitigation and disturbance zone		

Planning History?	Yes ☐	No ☒
Details:		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>11 letters of objection</u> • Flats are out of character, fail to follow chalet style of neighbouring properties and would be visually obtrusive. • Two storey flats would be double the height of existing bungalow. • Proposal has no ground floor windows and so presents blank frontage to the road. • Two storey house is too close to neighbouring dwellings and will reduce their privacy, sunlight, daylight and be overbearing. • Overdevelopment • Increased noise from car movements • Increased traffic movements and exacerbate existing car parking issues • Unnecessary destruction of an existing dwelling • Disruption during building works • Removal of asbestos roof on shed • Removal of hedge to make way for parking <u>Local Planning Authority Response</u> • Comments regarding character and appearance, the amount of development, impact on residential amenity and car parking are noted and these issues are considered in the assessment section. • Noise from additional vehicular movements with an established residential area are unlikely to be to such an extent as to cause an unacceptable level of disturbance. • While the comments regarding the unnecessary destruction of the existing property is noted, there are no planning policies that require the property to be retained. • A condition requiring a construction management plan to be agreed could have been imposed if the application was permitted and this would have reduced disruption during the building process. • Planning permission is not required to remove the asbestos shed and any such removal would need to comply with the relevant health and safety regulations.		

	Comments regarding the removal of the hedge are also noted, but the hedge is not protected and therefore could be removed regardless of the outcome of the planning application.
Ecology Officer:	<u>Objection</u> There are records of bats, swifts, and stag beetles very close to this site. There are records of hedgehogs in the wider area. The Google maps street view photo of this bungalow shows several gaps in the roof tiles which could be used by roosting bats and many trees on site which would be impacted by the development. Google Earth time slider shows that in July 2021 the site was vegetated with trees. The photo dated January 2022 is not clear but may show a cleared site. The aerial photo of the site on Grid Reference Finder (using Apple maps, date not available) shows that the plot has been cleared to bare earth other than the existing bungalow. British Standard 42020 states that a retrospective impact assessment is required when it is clear that habitats on a site have been cleared in advance of an assessment. The Environment Act 2021 states that if the biodiversity value of a site has been reduced after 30 January 2020 unless it was under already granted planning permission, the baseline biodiversity value is taken to be the value of the site before the activity. In this case it would be the vegetated site shown in the July 2021 aerial photos. I object to this proposal as it is not possible to provide biodiversity net gain in line with local and national planning policies. These proposals would represent an overdevelopment of the site.
Highways Officer (HCC):	<u>No objection</u>, subject to conditions Access: It is proposed that vehicle access into the site will be via a new drop kerb vehicle crossover. This is acceptable, however consent is also required from HCC as highway authority. On site layout & parking: Once onto the site, a short section of shared private driveway provides access to the parking for each dwelling, an allocated 2 spaces per dwelling plus one additional space for visitors which accords to EBC Parking Standards. Movement in and out of these spaces is provided via an adequate 6.0m turning aisle, and parking spaces to the west appear adequately sized at 2.4 x 4.8m. It is however noted that parking for the two flats is provided via ground level car courts. Measuring approximately 5.15m wide by 5.4m long, these are just about acceptable for parking. However it is recommended that a condition is put in place to ensure garage doors are not added in the future. If this were to happen, then an additional element of storage would undoubtedly result, and this would result in an inadequate area retained for parking - noting that garages must be a minimum of 3.0 x 6.0m internally per single garage width.
Parish Council:	No response

Site Visit:	Yes ☒	No ☐
Details:		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

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

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 (sustainable development), S2 (approach to development), S3 (location of new housing); Development Management Policies DM1 (general development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM10 (water and waste water), DM11 (nature conservation), DM13 (access), DM14 (parking), DM23 (residential development within urban areas), DM29 (dwellings with higher access standards) & DM30 (internal space standards). Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Proposal
The planning application is to replace the existing bungalow with 2no. two storey residential buildings. One building is located at the front of the site (alongside 32 Mallards Road) and comprises 2no. one bed first floor flats with parking and bin/ cycle storage below. In front of the flats is a landscape area with 1.2m high fencing and a path leading to the bin/ cycle store. The second building is located directly behind the flatted block (in the existing garden) and comprises a two bedroom detached house. To the rear of the house is a small garden. In between the two building is a parking area with access from a cul-de-sac off Mallards Road.

Assessment:
Principle The site is within the urban edge where the principle of development is acceptable, subject to the detailed matters according with the relevant planning policies. Character and Appearance Policy DM1 requires development to take full and proper account of the context of the site including the character and appearance of the locality and be well integrated with these (in

terms of mass, scale, materials, layout, density, design and siting), both in itself and in relation to adjoining buildings, spaces and views.

The site is within an established residential area where single properties tend to directly front onto roads with gardens to the rear. While the existing detached bungalow sits in a generous sized plot, the provision of two residential buildings (one behind the other with a large expanse of hard standing in between) would be out of character with the prevailing pattern of development.

The existing bungalow occupies a corner plot and its simple design, low roofline and set back means that the property is not unduly obtrusive within the street scene. The bungalow sits at the end of a row of terraced properties, which rooflines have a stepping effect from full two storey houses (26-30), down to the chalet bungalow (32) and to the single storey dwelling at the application site. The low roof of the bungalow and expanse of landscaping to the front provides a sense of space at the busy street corner, before the two storey houses start again on the far side of the road.

The proposal would replace the existing bungalow with 2no. two storey buildings. The building at the front of the site is a full two storey block of flats, which has a higher roofline than the adjoining chalet bungalow (no.32) and would look awkward at the end of the stepped terrace row. The flatted building would also be closer to Mallards Road than the existing bungalow and stretches most of the plot width at a two storey level. As such the building would create a much larger and more dominant built form, which would begin to erode the sense of space at the road junction.

Furthermore, the orientation of the block of flats turns its back on the main road with a 1.2m high fence erected along its front boundary. This fence would form an incongruous feature when viewed next to the adjoining single dwellings, which have more open frontages next to the main road. Both buildings are of a fairly uninspiring design, with the flatted block introducing large openings for car parking at the rear which would further emphasise its differences to the surrounding dwellings.

For these reasons, the proposal is considered to have a determinantal impact upon the Mallards Road street scene and the character, appearance and pattern of development within the locality. As such the proposed development is contrary to Policy DM1 of the Eastleigh Borough Local Plan [2016-2036], The National Planning Policy Framework and the Council's Quality Places Supplementary Planning Document.

Living Accommodation

Policies DM1 & DM30 requires all new dwellings to create a good living environment for their future residents and to meet the Nationally Described Space Standards. In terms of outdoor amenity space, Quality Places SPD requires new dwellings to provide a private garden of at least 60% of their floorspace. Whereas a communal outdoor amenity space of 25m² per unit is required for flatted developments.

The floor space of the one bed flats (at 37m²) and two bed house (at 77m²) are at the lower end of the required internal space standards. However, the two buildings are only 14m apart with main first floor bedroom windows directly facing each other. This is significantly below the required 22m separation distance (as set out within Quality Places SPD) and therefore would result in an unacceptable level of overlooking between the properties.

The close proximity of the two buildings would also adversely affect the outlook (and potentially daylight) of the west facing first floor windows in the flatted block and the east facing windows in the new dwelling.

As well as compromised internal living accommodation, the flatted block fails to provide quality communal outdoor amenity space. Only 35m² (of the required 50m²) is provided at the front of the flats, which is significantly below the size standard and would end up being

more of a walkway to the bin store rather than quality amenity space. The proposed house fares better with a small private garden being provided behind the dwelling, although this is also somewhat overshadowed by the side wall of the house at 3 The Kestrels.

For these reasons, the proposal fails to create a good quality living environment to the detriment of future residents. and so is contrary to Policies DM1 & DM30. s such the development is contrary to Policies DM1 & DM30 of the Eastleigh Borough Local Plan (2016-2036), provisions within the National Planning Policy Framework and The Council's Quality Places Supplementary Planning Document.

Residential Amenity

Policy DM1 amongst other matters, stipulates that all new development should not have an unacceptable impact upon amenities of existing residents.

The flatted block is sited directly alongside the existing dwelling at 32 Mallard Road, (following the established building line) and approximately 14m from the front windows in no.46 Mallard Road. In this position, the proposed flatted block would not have an unacceptable impact upon the residential amenity of existing dwellings (by way of a loss of light, outlook or overlooking).

The proposed two storey house is positioned in the rear garden where its main first floor eastern windows would look back into the rear windows of no.32. There is roughly 19m between the bedroom windows in both properties, which given their slightly obscure angle is not considered to result in an unacceptable level of overlooking. While the proposed house will be clearly viewed from the back of no.32 it will retain a reasonable outlook over the collection of gardens to the south.

The proposed house would have less of an impact upon the other neighbouring properties who are sited further away.

Highways and Car Parking

Policy DM13 requires that all new development has a safe and convenient access to the highway network, with Policy DM14 requiring an appropriate level of car parking be provided in accordance with the Council's adopted standards. Residential Parking Standards SPD requires two usable on-site car parking spaces to be provided for each residential property, which would equate to six on site parking spaces for the proposed development.

The proposal provides seven on site car parking spaces, comprising four spaces within integral garages for the flats and a row of three spaces in front of the house (two for the dwelling and a final visitor space). The integral garages are below the size standard, and as such would need to be open access to allow sufficient space for a vehicle to park, which could have been conditioned had the application been recommend for permission.

The rear access and parking arrangements would be acceptable from a highway safety point of view and no objection has been raised by the Highway Officer.

Ecology and Biodiversity Net Gain

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

Policy DM11 goes onto state that the Council promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new

habitats and features compatible with the native biodiversity characteristics of the Borough.

There are gaps in some of the existing bungalows rooftiles and therefore the property maybe used by roosting bats. There are also records of bats, swifts, and stag beetles very close to this site and hedgehogs in the wider area. An ecological impact assessment or bat assessment has not been submitted as part of the application and without this information there is the potential for the development to harm protected species and their habitats.

No information has been provided in relation to achieving a biodiversity net gain. Indeed, taking into account the pre-development biodiversity value of the site, the Ecology Officer is concerned that it would not be possible to achieve a biodiversity net gain for the proposed development.

For these reasons, the proposal would be contrary to Policy DM11.

Sustainable Drainage

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible and one form of filtration is required for small sites (of less than 0.5 hectares). It would be reasonable to provide drainage details via a pre-commencement condition had the application been recommend for permission.

Impact of SPA:

Recreational Disturbance

The site is within both the 5.6km catchment area for the Solent Special Protection Area and Ramsar Site and the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within these catchment areas are likely to result in additional visitors and potential damage to these protected sites. In order to mitigate for these impacts, new housing developments, need to contribute towards the Solent Recreation Mitigation Strategy (which manages visitors to the coastline) and the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough and funding towards an additional range post for the New forest). No contribution has been received to date and the contributions have not been secured via a legal agreement.

Nutrients

The site is within the impact zone for nitrogen, which has been shown to have a determinantal impact on the water quality of the River Itchen /Southampton and Solent Water Special Protection Area. A nutrient budget has not been submitted for the development (which would likely show a positive output for nitrogen) and no mitigation has been provided for the increase in nutrients caused by the housing development.

Conclusion

As such the proposal is likely to have a detrimental impact on the Special Protection Areas, both in terms of recreational disturbance and an increase in nutrients.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section149 (1) states:

A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and emerging plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Recommendation:	PERMIT ☐	REFUSE ☒
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Comments ...
