

DELEGATED OFFICER REPORT

Application Ref: F/23/96539

Site Address: Littledean, Botley Road, Horton Heath, Eastleigh, SO50 7DN

Case Officer: Summer Sharpe

Description: Proposed erection of detached three-bedroomed bungalow, following removal of mobile home annex.

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - Great Crested Newt Green Zone - Southern Gas pipeline - Southern Water 2m buffer - Solent Mitigation & Disturbance Zone - TPO (along part of the northern boundary) (146-E)		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
H/22/92974	Increase dropped kerb.	Permitted (August 2022)
LDC/23/95090	Lawful development certificate for an existing use or operation: Stationing of a mobile home.	Certificate Issued and Granted (July 2023)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>8no. objections (2no. from the same address) summarised as follows:</u> (a) lack of publicising, (b) loss of light/ privacy, (c) concerns about the mobile home certificate, (d) impact upon neighbouring gardens, (e) existing mobile home excessively illuminated, (f) dormers/ further construction should be reduced, (g) overlooking, (h) mobile home is visually intrusive, (i) noise from dogs, (j) no other properties along Botley Road have a building of the size proposed in their back garden, (k) increased traffic movement, (l) impact upon environment, (m) over development, and (n) incorrect plans. LPA response: the LPA have notified all adjoining neighbours, as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015. <u>1no. comment:</u> (a) previous occupiers maintained the garden, since a change in owner the garden has been virtually cleared of vegetation, (b) resembles a builders yard, (c) noise; machinery/ music/ dogs, (d) large mobile home is excessively lit, (e) permanent, attractive single storey building of the current mobile home may be an attractive proposition, subject to conditions; back garden is used as such, dog kennels are not moved to the back garden of the bungalow, appropriate consideration afforded to neighbour with regard to their amenities, and (f) concern about potential to extend the bungalow if approved.		
Parish Council:	None received.		
EBC Arboriculturalist:	Holding objection. There are two protected trees to the east of the proposed development area. A tree survey, impact assessment and		

	method statement (including a tree protection plan) as per British Standard 5837:2012 and guidance contained within our Trees and Development SPD is required. This is to demonstrate that the trees will not be impacted, either directly or indirectly. Whilst we acknowledge the text within the DAS stating that the applicant has now demonstrated that no trees will be harmed, we have not seen a BS5837 compliant tree survey, impact assessment or method statement (including a tree protection plan). Further, no information has been provided showing how the root protection area will be protected during construction – normally covered in the method statement and tree protection plan.
EBC Ecology:	This site is in a great impact risk zone for great crested newts. There are records of bats and hedgehogs near this site. The site photo in the DAS shows that it has been cleared of most vegetation at some point between 2019 – 2023, with only one small patch of amenity lawn remaining on the plot. An aerial photo from August 2023 shows an additional outbuilding (labelled Summer House on the existing site plan) on the site behind the fence and some vegetation towards the rear of the plot behind the existing mobile home. The mobile home in the photo in the DAS is much smaller than the mobile home in the aerial photo and the site looks much longer. Current site photos are required. These should show the entire extent of the garden and any existing vegetation and trees on site. A surface water drainage plan and biodiversity enhancements are required.
EBC Contaminated Land:	A review of available historical maps indicates the main dwelling at the site was first noted in 1962. Aerial imagery showed a number of outbuildings at the rear of the site (including what it seems to be glasshouses) from 2014, but seems to be demolished at some point as most recent aerial imagery indicate the rear area of the site consists of two structures (a small structure noted Summer House and bigger structured noted as mobile house in the Site and Location Plan provided by Solent Design (August, 2023) reference SD-2310-100-C), with the remaining areas covered by hard standing. This indicates that Made Ground is anticipated on site due to demolition of previous structures. The bedrock geology comprises Wittering Formation, which is classed as a secondary A Aquifer. The site is located within a radon risk of less than 1%. The proposed development comprises the creation of two soft landscaping areas to be used as rear gardens (for the existing and proposed dwelling). The application does not mention whether imported material is going to be used in the proposed gardens. The proposed development is located within a residential area. Due to the considerations explained above and the end use proposed (residential with gardens) we recommend that the application be permitted only subject to the following conditions: <u>Watching brief:</u>

	<i>A watching brief should be followed at all times during construction works and confirmation of this shall be submitted to the Local Planning Authority (LPA) prior to completion. In the event that previously unidentified contamination is found during the watching brief it must be immediately reported to the LPA. Work shall then cease until an investigation and risk assessment, and where required a remediation scheme, has been submitted to and approved in writing by the LPA. Where a remediation scheme is required, the development shall not be brought into use until a verification report for the remediation work has been submitted to and approved in writing by the LPA. Reason: To minimise the risk from land contamination for the safety of the property's occupiers.</i> <u>Imported soils:</u> <i>Any imported soils required for the development hereby permitted should be demonstrated to be suitable for its intended end use and meet the approval of the Local Planning Authority prior to use on site. Reason: To minimise the risk from land contamination for the safety of the future occupiers of the development.</i> <u>CEMP:</u> <i>No development shall start on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, which shall include:</i> <i>a) Methods of construction works; b) The arrangements for deliveries associated with all construction works; c) Location of temporary site buildings, compounds, construction material and plant storage areas;. d) Measures to minimise dust, noise and vibration; e) Measures to ensure dirt is not transferred onto the highway from the site; f) Any other suggested by the ecology team.</i> <i>Construction works shall only take place in accordance with the approved CEMP. Reason: To limit the impact the development has on the amenity of the locality and neighbouring residents, and to protect ecological features and habitats, in accordance with Policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016- 2036).</i>
EBC Environmental Health:	
Hampshire Highways:	No objection in principle, however it would be requested that minor changes are made prior to a formal no objection being made. Access: currently the site is accessed from the highway via a double width drop kerb vehicle crossover from Botley Road. Plans show this access being narrowed down to a single vehicle width, and this will result in: (i) a potential for conflicting vehicle movements in and out of the site to occur, increased given the access is to be utilised by multiple dwellings, and (ii) a need to close up the redundant element of the drop kerb vehicle crossover, reinstating the footway and full height kerbs. This will require a minor works S278. Given the above, it would be suggested that the vehicle access is retained at a minimum of 4.8m to allow for two-way vehicle movements, which would be beneficial given

the level of traffic flow on Botley Road. This would negate the potential need for a vehicle to temporarily stop on Botley Road whilst another exits the site. It will likely also negate the need to undertake S278 works though the extent of this would not be known until revised plans were submitted. Both existing and proposed access widths need to be shown on plans. The widened access would not affect the proposed parking layout or turning area as shown on plans, which are acceptable for both the existing and proposed dwellings.

Servicing: it would be anticipated that this would be undertaken from the kerbside, and given this is the current situation, there would be no objection consider the proposal is only for one more dwelling. However, it may be prudent to add a bin collection point to the plans to ensure that bins do not migrate out onto the footway, or partially block the shared driveway – both of which could be obstructive. Plans should be updated accordingly.

Should the application be recommended for approval the following conditions would be requested:

Closure of existing access provision:

Before the development is occupied redundant sections of the existing access(es) from the site to Botley Road shall be permanently stopped up and effectively closed with the footway provided or verge reinstated in accordance with details which have been submitted to and approved by the Planning Authority.

Reason: In the interests of highway safety.

Parking provision:

Before the development is occupied provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provisions for the approved development.

Construction Method Statement::

No development shall state on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;*
- (b) The provision of long term facilities for contractor parking;*
- (c) The arrangement for deliveries associated with all construction works;*
- (d) Methods and phasing of construction works;*
- (e) Access and egress for plant and machinery;*
- (f) Protection of pedestrian routes during construction;*
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;*
- (h) Details of the methodology for ensuring dirt is not transferred onto the highway from the (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damage during the process.*

	<i>Demolition and construction work shall only take place in accordance with the approved method statement. Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.</i>
Natural England:	
Southern Water:	Southern water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (delivering sustainable development), S2 (approach to development), S3 (location of new housing), S12 (Strategic footpath, cycleway and bridleway links), DM1 (General development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM8 (pollution), DM11 (nature conservation), DM13 (access), DM14 (parking), DM23 (residential development within urban areas), DM30 (internal space standards), and DM38 (funding infrastructure).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Trees and Development; and Bishopstoke, Fair Oak and Horton Heath Character Area Appraisal.

Site Visit	Yes ☒	No ☐
17 January 2024.		

Assessment:

Site & Surroundings

The application site comprises a detached bungalow situated to the east of Botley Road (B3354). The dwellinghouse itself is set back from the highway, allowing for hardstanding which provides several off-street parking provisions. This is bound by close board fencing (approx. 1m in height). Turning to the plot, this is narrow and linear, allowing for both front and rear amenity space. This application specifically relates to the rear amenity area, proposing a bungalow. Within the rear garden along the northern boundary there is a row of TPO trees (146-E).

The surrounding area is predominantly residential in nature and made up of mainly detached single and two storey dwellings of differing ages and architectural styles.

Proposal

The application proposes the construction of a 3no. bedroom bungalow with associated parking following the removal of the existing mobile home annexe. This would be situated to the east within the existing rear garden of 'Littledean'.

The proposed dwelling would have a footprint of approx. 88m². This would have a hipped roof with a maximum height of approx. 3.8m, and an eaves height of approx. 2.3m. This would be finished in render, plain tiles, and white upvc fenestration.

Principle

The application site falls within the urban edge, whereby the general principle of residential development is considered to be acceptable. However, this would be subject to the following considerations set out within this report.

In accordance with the revised NPPF (December 2023), Local Planning Authorities are not required to maintain a five-year housing land supply if they meet the two criteria in paragraph 76. These are a recently adopted Local Plan, that identified at least a five-year supply when the examination concluded.

The Eastleigh Borough Local Plan was adopted in April 2022 and the final Inspector's report accepted that the Council met the requirement for a five-year supply. The five-year housing land supply position report published by the Council at that time provides further information on the sources of housing supply. The Council is not therefore required to maintain a five-year housing land supply and the tilted balance will not apply.

To conclude, the proposal would provide a separate/ independent residential unit within the urban edge, an area which is acknowledged to be a sustainable location, this contribution would be particularly modest and would also result in the removal of an existing annexe and creation of new independent planning unit.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

Further to the above Policy, the application site also falls within "BIFOH 26". This guidance sets out that new development should; *retain/ reinforce the grass islands and associated coniferous and broadleaved tree planting, mitigate the effects of the heavy vehicular traffic on Botley Road in new development using measures such as boundary planting, set-backs, transition spaces and orientation of internal spaces, and to ensure that any back-land development is subordinate to the existing development and serviced via a separate access road.* The guidance does also note that *back-land development has already occurred in a number of locations to the rear of dwellings along Botley Road.*

At the date of a site visit, it was noted that there was an existing mobile home within the rear garden of the application site. This mobile home was approved as an annexe under planning application referenced "LDC/23/95090". From this, it is understood that the mobile home is/was used in conjunction and ancillary to Littledean.

The proposals would result in the subdivision and introduction of a bungalow to the eastern portion of the existing site. From a site visit, and desktop study, it is noted that some properties along Botley Road (especially to the eastern side) do benefit from long, spacious rear gardens. It is also noted that some of these properties contain outbuildings in their respective rear gardens. These outbuildings appear to vary in size, but none would be of a comparable size to the proposed dwellinghouse. The proposals would therefore result in a form of back-land development which would be contrary to the established characteristics and pattern of Botley Road comprising frontage development and long spacious rear gardens.

The BIFOH Character Area Appraisal is also acknowledged. It is recognised that there is some back-land development, however the immediate surroundings do not contain back-land development. There is generally a strong building line along Botley Road allowing for properties to be set back accommodating off-street parking provisions. To the east (rear of dwellings) of Botley Road, it is noted that there is some back-land development, however

these comprise fairly comprehensive residential schemes, not the odd in-fill of 1no. dwelling. Further, the SPD seeks to ensure that any back-land development is subordinate, as noted above the proposed dwelling is not considered to 'subordinate'. The existing paraphernalia and associated buildings within neighbouring rear gardens are of an appropriate size/ scale and are ancillary to the primary building fronting Botley Road. This situation is currently reflected on site, with Littledean and the associated ancillary annexe. Furthermore, the SPD seeks to ensure any back-land development is serviced via a separate access road. The proposed dwelling would share the same access as Littledean, which will be expanded upon within the highways section of this report.

The introduction of a new dwelling, in lieu of an ancillary annexe, and formalised subdivision of the site is considered to have an adverse impact upon the existing and established grain of development, especially within this section of Botley Road. The proposals would therefore be contrary to Policy DM1 whereby they would not respect the context and character of the site and surroundings.

Further, Paragraph 128 of the NPPF states: *"Planning policies and decisions should support development that makes efficient use of land, taking into account: d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change"*. Thus supporting the resistance to back-land development given that this would be contrary to the established pattern and prevailing characteristics of the surroundings.

Paragraph 139 of the NPPF states 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents'. Due to the inappropriate design and siting of the development, the proposal is considered to result in an incongruous addition, which would have an adversely harmful impact upon the pattern and established grain of development.

Overall, and to conclude, the proposed dwellinghouse, as a result of its design and siting result in an unacceptable form of back-land development which would appear at odds with the existing pattern of development, detracting from the established character and spaciousness of the surroundings, thus being contrary to the abovementioned policies, and SPD. In accordance with Paragraph 134 of the NPPF, this development is not considered well designed, nor does it reflect local design policies, thus warranting refusal.

Internal & External Space for Future Occupiers

To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'Nationally Described Space Standards' (NDSS) (March 2015). Policy DM30 of the Eastleigh Borough Local Plan (2016-2036) requires that all new dwellings meet the NDSS as a minimum. In addition to internal arrangements, the Quality Places SPD requires all new residential development to provide a garden area of 60% of the host dwellinghouse.

The NDSS sets out the minimum space required for new dwellinghouses, this is dependent upon the number of bedrooms, people who would reside there and storeys. There are also standards relating to sizes of bedrooms; a single occupancy bedroom should measure 7.5m², and a double occupancy bedroom should measure 11.5m².

The application proposes a single storey 3no. bedroom dwelling, whereby the NDSS requires between 74m² – 95m². The proposal would just meet this requirement, providing approx. 76m². Further, all bedrooms would meet at least single occupancy. In addition, from the submitted floor plans and elevations, it appears that each habitable room would be served by a window, thus would provide adequate natural light. Concern would, however, be raised with regard to bedroom 2. It is noted that this would be served by 2no. windows, however 1no. window would be fronting parking provisions, whereby the outlook

would not be considered high quality, further this could be impacted by vehicular movement; noise/ lights, and the second window would have very limited outlook given the close proximity to the sites southern boundary. Whilst not an ideal arrangement, this alone, would not warrant reason for refusal.

In addition, and as set out within the Council's Quality Places SPD, the garden size for new residential development must be at least 60% of the floor space of the host dwellinghouse. Further and in this instance, the 60% amenity space would also be applied to the retained dwelling.

From the submitted site plan it is clear that the proposed dwelling could be provided with 60% external amenity space. It also appears that the retained dwelling 'Littledean' would benefit from 60% external amenity space.

As such, and to conclude, the proposals are considered to provide policy compliant internal and external living conditions for future occupiers.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

In terms of construction the proposed development would be likely to have an adverse impact upon the amenities of the neighbouring properties. However, and had the proposals have been acceptable in all other regards a CEMP could have been conditioned which could have mitigated these impacts.

In terms of built form, the proposals would result in the removal of the existing mobile home, and addition of a bungalow. The proposed dwelling would be positioned to the east of Littledean, separated by approx. 20m (when measured from Littledean's conservatory and the projecting most element of the proposed dwelling). The Quality Places SPD sets out that there should be a minimum of 22m between rear-to-rear facing windows. However, in this instance it would be rear-to-front windows and therefore the standard would not directly apply. It is considered that their relationship, due to the separation distance, boundary treatment and overall dimensions would not result in an adverse impact.

The proposed dwelling would be set in approx. 1.6m from the shared southern boundary (Strathallen) and approx. 1.4m from the shared northern boundary (Old Orchard). Due to the overall dimensions of the proposed dwelling, combined with the size of these neighbouring properties external amenity areas, the proposals are not considered to have an adverse impact upon these amenities.

To the east, the proposed dwelling benefits from a rear garden which has a depth of approx. 24m. The neighbouring amenities to the east (within Epsom Close) are therefore not considered to be adversely impacted as result of the garden depth and overall dimensions of the proposed dwelling.

As such, and to conclude, the proposals are not considered to have an adverse impact upon the amenities of the neighbouring properties.

Highway Safety, Parking & Refuse Storage

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance

with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 108 and 109.

Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted. They raised no objection in principle, however requested minor changes to then be able to provide a formal no objection.

Starting with the access, it is noted that currently the site is accessed from the highway via a double width drop kerb vehicle crossover from Botley Road. The plans show this access being narrowed down to a single vehicle width, which could result in conflicting vehicle movements and the need to close up the redundant element of the drop kerb/ reinstating the footway, whereby these works would require a S278. As such, the LHA requested that the vehicle access be retained at a minimum of 4.8m to allow for two-way vehicle movements, which needed to be shown on plans. Should the proposals have been acceptable in all other regards, this information would have been sought, however in the absence of plans showing a suitable access width, this would warrant reason for refusal.

Turning to parking, the Council's SPD sets out 3no. bedroom dwellings require 2no. off-street parking provisions. Littledean is served by a large driveway area, which could easily accommodate this standard. The proposed site plan also shows that there would be 2no. vehicle parking provisions for the proposed dwelling, allowing adequate turning space in an appropriate layout, thus would be acceptable.

With regard to servicing, the LHA noted that it would be anticipated to be undertaken kerbside, however, it would be prudent to obtain clarity, with this information indicated on any approved plan. It should be noted, that had the proposals have been acceptable in all other regards this information could have been sought, or secured via condition.

Ecology

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and 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.

Due to the nature of the proposals, the Council's Arboriculturalist and Ecologist have been consulted.

The Council's Arboriculturalist has raised a holding objection. They noted that there are 2no. protected trees to the east of the proposed development, whereby no information has been provided to show how the root protection area would be protected during construction. As a result of the lack of information, this would warrant reason for refusal.

Due to the nature of development, the Council's Ecologist has been consulted. They noted that there are records of bats and hedgehogs nearby, however it appears as though the site has been cleared of most vegetation. They also requested biodiversity enhancements. Had the proposals have been acceptable in all other regards biodiversity enhancements could have been secured via condition.

Contaminated Land

Policy DM8 of the Eastleigh Borough Local Plan (2016-2036) stipulates that development will not be permitted if it is likely to cause loss of amenity of impact upon public health or other unacceptable environmental impacts; including land contamination.

Due to the nature of development, resulting in a sensitive end use, the Council's Contaminated Land Team were consulted. They commented upon the former land conditions and previous buildings on site. As such, they advised that if planning permission were to be granted certain conditions (as laid out in the consultation section) should be applied. As such, had the proposals have been acceptable in all other regards the suggested conditions would have been imposed.

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, naturalised filtration should also be included.

The Council's Ecologist requested a surface water drainage plan. Had the proposals have been acceptable in all other regards additional information could have been requested or the information secured via condition.

Sustainability

Policy DM2 of the Eastleigh Borough Local Plan (2016-2036) requires new development to provide a 19% improvement in predicted carbon emissions, and water consumption standards of 110L per person per day.

Other than being situated within a suitable location, the proposals do not provide any sustainability measures. It should be noted, however, that had the proposals have been acceptable in other regards, these requirements would have been secured via condition.

SPA Mitigations

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites. In this instance, given that the proposal was unacceptable in other regards no Appropriate Assessment has been undertaken, however an assessment of the impact has been completed below.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site falls within the 5.6m buffer and therefore a 3no. bedroom dwelling would require a monetary mitigation of £834 (as of 1 April 2023). This has not been received.

In terms of water quality, 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 Waste-Water Treatment Works which discharges into the river network and so causes eutrophication affecting the features for which it is designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This

ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with funding being secured during the planning application.

In addition to the above, Natural England have also highlighted that residential development within a certain catchment of the River Itchen (SAC) can result in phosphate loading resulting from additional sewage generated from future residents. The Council also has 'phosphate credits' available to offset this impact. The site appears to fall within this catchment, and is also likely to be served by Chickenhall Waste Water Treatment Works. No mitigations have been provided or secured as part of this application with regard to offsetting nutrients.

Furthermore, Natural England has also raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. No mitigation to offset this impact has been provided.

The Local Planning Authority acknowledge that these matters could be overcome, subject to the correct monies and mitigations being implemented. However, the proposal was not considered acceptable in other regards, therefore this was not sought. As it stands the application does not provide the required mitigations to offset the adverse impact upon the protected areas and therefore these matters would contribute towards a reason for refusal.

Equalities Act:

Section 149 of the Equalities Act 2021 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.

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 and development plan 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 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 and 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 limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Reasons for Refusal:

- 1) The proposals, due to the design and siting of the new dwelling, would go against the prevailing character and pattern of development within the locality and result in development that is out of context with the established grain of the surroundings, to the detriment of the character and visual amenity of this section of Botley Road. As such, the proposed development is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's Quality Places SPD (2011), and the provisions of the NPPF (2023).
- 2) The access shown on the proposed site plan is not considered to be wide enough to accommodate the proposed vehicle movements, which could result in vehicle conflict, thus the proposals would be contrary to Policy DM1, and DM13 of the Eastleigh Borough Local Plan (2016-2036) and the provisions of the NPPF (2023).
- 3) Insufficient information has been provided to demonstrate that the proposed dwelling and associated works would not have an adverse impact upon the nearby TPO'd oaks tree to the north-east of the proposed development. The proposals are therefore contrary to Policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016-2036), the Council's Trees and Development SPD (2022) and the provisions of the NPPF (2023).
- 4) 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), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen and phosphate loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2023) and the Conservation of Habitats and Species Regulations 2017.

Recommendation:

PERMIT ☐

REFUSE ☒