

DELEGATED OFFICER REPORT

Application Ref: F/23/95643

Site Address: 61 Torridge Gardens, West End, Southampton, SO18 3NF

Case Officer: Summer Sharpe

Description: Construction of 1no. semi-detached house and all associated works.

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • HRA screening: SAC, SPA, Ramsar • Nature Conservation • Special Protection Area – Recreation Disturbance Zone • TPO 662-E (oak tree) (to the east) • Surface water flooding		

Planning History?	Yes ☒	No ☐
Planning App No.	Proposal	Decision
F/23/95643	Construction of 1no. semi-detached house and all associated works.	Refused (September 2023)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>9no. Objections summarised as follows:</u> (a) lack of parking, (b) construction works will cause problems, (c) loss of privacy, (d) concern about difference in levels with no.62, (e) impact upon TPO'd tree, (f) concern about damage to neighbouring properties/ outbuildings, (g) 61 Torridge Gardens has an extension not shown on the plans, (h) impact of construction works, (i) environmental impact, (j) enough new builds in the area, (k) existing gap used to be a pond, (l) concern about ground water flooding, (m) concern of noise during construction, (n) impact upon surrounding area as a result of the removal of grass area, (o) concern about emergency vehicle access, (p) overshadowing of the tree on proposed garden, (q) car dominated frontage, and (r) overdevelopment.		
Parish Council:	Subject to the tree officers approval.		
EBC Ecology:	There are records of bats, stag beetles, badgers and nesting swifts close to this site. The site is in a green great crested newt impact risk zone. I don't see any obvious potential bat roost features in the existing building, however there is a very large tree to the rear which might be impacted by the proposal. If this tree will be affected, the it should be checked by a suitably qualified ecologist for potential bat roost features. A precautionary working method statement to protect great crested newts, bats, stag beetles, and badgers will be required. (This can either be conditioned or provided before determination). Biodiversity enhancements are required. A bat brick and a swift brick may be appropriate. (Informatives were also requested).		
EBC Arboriculturalist:	As with the previous submission, the principal arboricultural feature is a large, mature oak tree to the rear of the site, which is subject to a tree preservation order. No information, in compliance with British Standard 5837:2012, has been provided to demonstrate to the		

	Council that the proposal can be achieved without harm to the tree. There is a dashed line now drawn on the plan, which may represent the root protection area (RPA). However, even if this represented the accurate calculation of the RPA, it is still insufficient information for us to give a full assessment. Ultimately, without any arboricultural information, the proposal could result in harm, which is contrary to policy DM1. As this stage we raise an objection to the proposal. We would request arboricultural information, as per British Standard 5837:2012 and guidance set out in the Trees and Development SPD.
EBC Contaminated Land:	From historical records, it seems that the site has not have any use rather than residential garden/ parking area serving the adjacent property. Limited made ground is anticipated due to part of the site used as car park and construction of the residential dwellings. The geology comprises London Clay Formation, which is classed as non-productive aquifer. No surface water features were noted in the vicinity of the site. The UK radon risk indicates the site sites within an area of 3-5% radon potential. The application does not specify if any soil is to be imported for any soft landscaping. In terms of contaminated land, we do not have any objections with the proposed development; however, we recommend the following conditions to be imposed: <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 by 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 Local Planning Authority. 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 Local Planning Authority. Where a remediation scheme is required by the Local Planning Authority, 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 Local Planning Authority. All works shall be undertaken by a competent person in accordance with best practice as outlined in BS10175:2011+A2:2017 and LCRM. Any gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015+A1:2019, Claire RB17 and CIRIA C665.</i> <i>Reason: To minimise the risk from land contamination for the safety of the future occupiers of the development.</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.</i> <i>Reason: To minimise the risk from land contamination for the safety of the future occupiers of the development.</i>

	<u>CEMP (Construction Environmental Management Plan)</u> We also suggest a note of advice to be passed to the applicant for radon, as presented below: <u>Note of advice</u> The site is within an area of maximum radon potential of 3-5%. Further consideration needs to be given to the radon risk. As general advice, all developers should: 1. Consult the Radon UK map (UKradon - UK maps of radon) - if they're in an area above 1%, developers should buy the UK Health Agency Radon report (for approximately £4.00) and check their development. Details on the findings on radon risk should be submitted to the LPA. 2. If this gives an answer that is greater than 1%, they should consider Radon protection for new developments. 3. If the answer is greater than 3% then Radon protection will be needed according to Building Regulations, with basic protection required at 3-10% and full protection above 10%.
EBC Environmental Health:	The site is located in an area of low noise risk and we do not have a requirement for enhanced sound insulation more the standard insulated glazing units provide. We advise applicants to install paved roadway / driveway instead of gravel or other unpaved substrate and to install considerate lighting with no upward glare and in a warm colour not exceeding 3500K (kelvin). Eyelid type of lights are suitable for this purpose.
Hampshire Highways:	Whilst there would be no objection to the proposals from a highway perspective, a holding objection would be made at this point subject to confirmation of the proposed car parking for both the existing host dwelling (no.61) and the proposed dwelling post development. Unfortunately these details are not shown on plans, and it is noted that the current driveway for no.61 is located where the new dwelling is proposed to be. Torridge Gardens is relatively tight in dimensions, and any additional overspill parking could have implications if it occurs in obstructive places (up to 4 vehicles would require roadside parking if none is allocated on-site), such as no refuse vehicle access for collections. Additionally, the parking layout is required, as this may result in new drop kerbs being needed (should be shown on plans) and/ or the re-instatement of the existing drop kerb to full height kerbs and footway. A S278 Agreement would be needed. Given the tight location of the site, if the Case Officer is minded to grant permission, then it would onwards be requested that a condition is applied for a construction method statement: <i>No development shall start on site until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:</i> <i>a) A programme of and phasing of demolition (if any) and construction work;</i>

	b) The provision of long term facilities for contractor parking; c) The arrangements for deliveries associated with all construction works; d) Methods and phasing of constructions 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 site (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 damaged during the process. Demolition and construction work shall only take place in accordance with the approved method statement. Reason: In order that the Local Planning Authority can properly consider the effect of the works on the amenity of the locality.
Natural England:	Further information required.
Southern Water:	None received.

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), 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.

Site Visit	Yes ☒	No ☐
A site visit was not undertaken as part of this application, but was undertaken 7 September 2023, as part of the previous application (F/23/95643).		

Assessment:

Site & Surroundings

The application site comprises a piece of land to the east of no.61 Torridge Gardens. Currently this piece of land is part hard standing, partly grassed, creating a gap between the properties along this southern section of the road. No.61 currently forms an end of terrace dwelling. The row of 3no. two-storey dwellings are uniform in their appearance, with brick work at ground floor level, white render at first floor and front sloping pitched roof. The dwellings are set back from the road by front gardens, whereby the end dwellings benefit from off-street parking provisions. Further east of the application are a different variant of design of two-storey dwelling. Within the rear garden of no.62 Torridge Gardens (east) there is a large mature oak tree (covered by a TPO).

The immediate surroundings comprise residential properties. There are a couple of varying designs of dwelling, however these are clustered creating a loose sense of uniformity and cohesion within the streetscene.

Proposal

The application proposes the erection of a semi-detached two-storey 2no. bedroom dwelling, with associated parking. This would be situated on a piece of land to the east of no. 61 Torridge Gardens. This is currently part hard surfaced and partly grassed. The proposed dwelling would adjoin no.61 Torridge Gardens to the east and would be set back by approx. 0.6m.

The proposed dwelling would have a pitched roof which would measure approx. 8m in height with eaves which would measure approx. 5.4m in height. The proposed dwelling would have an external footprint of approx. 56m², and would include a single storey rear extension which would project approx. 3m from the two-storey elevation, and would span the width of the proposed dwelling (approx. 5.8m). This would have a mono-pitched roof with eaves measuring approx. 2.9m and an overall height of 4.2m. The proposals would be finished in a combination of materials; red brick work at ground floor level, white render at first floor level, brown concrete roof tiles, white upvc fenestration and black upvc rainwater goods etc. The proposed plans show that no.61 and the proposed dwelling would be separated by boundary treatment, however limited information has been provided in this regard.

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.

Paragraph 11 of the NPPF relates to the presumption in favour of sustainable development, with sub-paragraph d) ii) relating to the decision-taking process, noting that permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

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.

Whilst it is noted that the proposal would provide for additional residential development within the urban edge, an area which is acknowledged to be a sustainable location, this contribution would be particularly modest in the form of a single dwelling. Therefore, in light of the Council's 5-Year Housing Land Supply position and in accordance with the NPPF, only a limited degree of weight as a benefit can be given to the scheme.

Background & Comparison to Previous Schemes

As noted within the history section, planning application referenced “F/23/95643” proposed a two-storey three-bedroom property on the application site. This was refused for the following reasons:

- 1) The proposed dwelling, by reason of its scale, form and appearance would result in an unacceptable addition, which would appear as a visually intrusive and incongruous form of development which would be at odds with, and have an unacceptable adverse impact upon the streetscene. The proposals are therefore contrary to the requirements of Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the provisions of the NPPF (2023).*
- 2) The proposed parking provisions do not conform to adequate sizes, nor is the layout considered reasonably practical. The proposals would either result in vehicles overhanging the highway and/or a shortfall of on-site parking provisions, which would result in an overspill of parking onto surrounding roads. The result of the inappropriate parking arrangement would have an adverse impact upon highway safety. The proposals are therefore contrary to the requirements of Policies DM1 and DM14 of the Eastleigh Borough Local Plan (2016-2036), the Council’s Residential Parking Standards SPD (2009) 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 existing TPO’d oak tree adjacent to the site. 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.*

It is acknowledged that amendments have been sought, primarily with regard to the overall design, to address the reasons for refusal. These will be discussed in each relevant section of the report.

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.

The previous application was refused on design grounds as a result of its inappropriate scale and form, and adverse impact upon the streetscene. Whilst it is acknowledged that the proposals have been amended and that the proposed development would be an improvement when compared to the previous scheme, it is still not considered to have fully addressed the reason for refusal, as such concerns still remain, as will be expanded upon below.

As set out above the principle of development is considered to be acceptable. It should also further be noted that the subdivision of the plot/ addition of a residential dwelling would be considered acceptable in principle, however, the proposal would need to be acceptable in terms of its design, amongst other material considerations. In this instance,

the proposal would be set back and down (in terms of its height) from the adjoining neighbour, which is considered to be uncharacteristic of the immediate surroundings, namely the adjoining cluster of terraced properties. Therefore, whilst the subdivision of the plot could be accepted, the dwelling proposed would not be considered appropriate nor acceptable.

As noted above, Torridge Gardens is characterised by different styles of grouped dwellings. There are design variances of predominantly terraced dwellings, with different combinations of materials and styles, albeit it is acknowledged there is a generalised material palette. Their positioning and clustering is purposeful and intentional throughout the streetscene creating fluidity and cohesion throughout the wider residential estate.

The proposed dwelling would adjoin no.61 Torridge Gardens, this would be set back from the frontage and set down in terms of height, as well as being slightly wider than the neighbour, thus not reflecting the design of this neighbour, nor the identical cluster of terraces. Given the uniformity of this group of terraced dwellings any anomaly would be overtly prominent, thus would appear incongruous and discordant when read within this context.

Whilst acknowledging the amended plans are an improvement when considered to the original submission (F/23/95643) the proposals would still not completely reflect the neighbouring terrace, thus would be considered harmful given their uniformity, as well as the importance of well-designed and grouped dwellings within the wider streetscene.

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 scale and form of the development, the proposal is considered to result in an incongruous addition, which would have an adversely harmful impact upon the streetscene and wider vantage points.

Overall, and to conclude, the proposed dwellinghouse, as a result of its siting and design would result in an unacceptable addition which would appear at odds with the wider vicinity, detracting from the established character and spaciousness of the surroundings, thus being contrary to the abovementioned policies, and SPD. In accordance with Paragraph 139 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 two-storey, 2no. bedroom dwelling, whereby the NDSS requires between 70m² – 79m² for a property of this size. From the submitted plans the footprint would measure approx. 48m² (at ground floor) and 31m² (at first floor), thus cumulatively the dwelling would measure approx. 79m². Both bedrooms would measure approx. 11m², falling slightly short of double person occupancy. Further, from the submitted floor plans and elevations, it appears that each habitable room would be served

by a window. The Council's Environmental Health Officer has noted that the site is located in an area of low noise risk and therefore would be acceptable in terms of noise, thus not requiring enhance sound insulation measures/ glazing units.

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. This standard would apply to both existing and proposed dwelling. From the submitted plans it appears this standard is met. It should, however, be noted that the proposed dwellings garden would be impacted by the adjacent TPO'd oak tree.

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.

The addition of further residential development within an area characterised by residential is considered to be acceptable in this regard.

Existing no.61 is currently an end of terrace dwelling. The proposal would result in an additional dwelling to the immediate east. The proposal, would adjoin no.61 and would be set back by approx. 0.6m from the frontage, and would have a single storey rear extension which would project approx. 3m from the rear of no.61. The main dwelling, as a result of its adjacent siting is unlikely to have an adverse impact upon this neighbour. The single storey rear extension would have an impact upon no.61 and could be considered unneighbourly, however given its modest projection is not considered to result in a detrimentally harmful relationship, and would not alone warrant reason for refusal. The proposals would also result in the subdivision of the existing rear garden for no.61, whereby limited information of boundary treatment has been provided. However, boundary treatment separating rear gardens is not uncommon within residential areas and therefore the proposals are unlikely to result in an adverse impact upon this adjoining neighbour.

The proposals would also extend further east, closer to no.62. The proposals would still maintain a separation distance. Due to the angled nature of the plot, the proposal would be set in between 4.8m – 5.6m from the shared boundary. Whilst it is acknowledged that this would reduce the existing open space, the encroachment of a building in this position is not considered to be adversely harmful in terms of being overbearing upon this neighbouring amenity.

Further, neighbouring properties to the south (along Dart Road) are unlikely to be impact upon as a result of the separation distance of the rear garden (approx. 12m). Therefore the proposals are not considered to have an adverse impact upon the amenities of the neighbouring properties to the south.

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, whereby they have raised no objection from a highway perspective, but have raised a holding objection with regard to the car parking for both the existing and proposed dwelling.

Previously the application was refused on inappropriate parking layout, whereby spaces did not conform to adequate sizes. It is noted that the parking layout has been slightly amended as part of this planning application, however it has not fully addressed the reason for refusal, and concerns still remain.

The Council's Parking SPD sets out that for a 2no. bedroom property there should be the provision of 2 no. off-street parking provisions. These standards would apply to both existing and proposed dwellings thus resulting in the need for 4no. off-street parking provisions. The LHA also noted that Torridge Gardens is relatively tight in dimensions, and any additional overspill parking could have implications if it occurs in obstructive places.

It is noted that the parking provisions have been slightly amended, whereby the proposed dwelling would be set back to allow for a vehicle to be parked in-front. This would just about provide 5m (from edge of dwelling to edge of red line), however in practice is likely to/ could result in some overhang on the highway. 1no. car is also proposed to be parked at an angle in-front of no.61 and is likely to be affected/ blocked by the abovementioned parking provision. The other 2no. spaces would be to the north-east of the proposed dwelling. It is not considered that the frontage would be wide enough to allow 2no. vehicles to park adjacent to each other given the width is approx. 4.8m (from proposed dwelling wall to boundary). As such, concern is still raised with regard to the proposed parking arrangement.

It is also unclear where each plot would park, as 1no. space technically overhangs the frontage of the proposed dwelling, and the other 3no. spaces all appear to be within the curtilage of the new dwelling. It would seem unusual and particularly uncommon within this area for no.61 to park in-front of its proposed neighbour. As such, the proposed parking layout, and substandard parking provisions, are not considered to be practical nor acceptable, contrary to Policy and the Council's Parking SPD. The proposals would therefore result in adverse harm warranting reason for refusal.

With regard to bin and cycle storage, this has not been identified on the submitted proposed plans, however, it is acknowledged that there is space available on site to provide this. Had the application have been acceptable in all other regards, further details of the bin and cycle storage, and their retention in perpetuity, could have been secured via condition.

Ecology & Trees

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 development, the Council's Arboriculturalist and Ecologist have been consulted.

The previous application was refused with regard to the lack of tree information. No additional information has been provided to address this concern, therefore the Council's Arboriculturalist's stance remains unchanged.

The Council's Arboriculturalist has advised that there is a large mature oak tree within close proximity of the site. From a site visit it was noted that this tree was located within the rear garden of no. 62 Torridge Gardens, however, branches do substantially overhang the application site. No arboricultural information has been provided as part of this application, therefore the impact of the development upon the tree is unknown. Due to the lack of information the development would be contrary to Policies DM1 and DM11 and the

Trees and Development SPD, thus the Council's Arboriculturalist has raised an objection, ultimately resulting in a reason for refusal.

The Council's Ecologist advised that there are records of a number of protected species nearby, including a bat roost. But, they considered there was limited bat roost potential features on the existing building. They did, however, note that there was a tree within close proximity which could be affected by the proposals and would need to be checked by a suitably qualified ecologist for potential bat roost features. They also recommended a precautionary working method statement to protect; great crested newts, bats, stage beetles and badgers would be required, and biodiversity enhancements. Had the proposals have been acceptable in all other regards, these measures could have been secured via condition.

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.

It is likely that a drainage plan would have been required. Had the application have been acceptable in all other regards this information could have been requested upfront, or been conditioned appropriately.

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 2-bedroom dwelling would require a monetary mitigation of £639 (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. No mitigation in this regard has been proposed or secured as part of this application

In addition to additional nitrogen output, 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. Mitigations would also be required to offset the development, none of which have been provided.

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 proposed dwelling, by reason of its siting and design would result in an unacceptable addition, which would appear as an incongruous form of development which would be at odds with, and have an unacceptable adverse impact upon the adjoining uniform terraced dwellings (west). The proposals are therefore contrary to the requirements of Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the provisions of the NPPF (2023).
- 2) The proposed parking provisions do not conform to adequate sizes, nor is the layout considered reasonably practical. The proposals would either result in vehicles overhanging the highway and/or a shortfall of on-site parking provisions, which would result in an overspill of parking onto surrounding roads. The result of the inappropriate parking arrangement would have an adverse impact upon highway safety. The proposals are therefore contrary to the requirements of Policies DM1 and DM14 of the Eastleigh Borough Local Plan (2016-2036), the Council's Residential Parking Standards SPD (2009) 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 existing TPO'd oak tree adjacent to the site. 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 ☒