

DELEGATED OFFICER REPORT

Application Ref: F/24/96900

Site Address: 38 Nichol Road, Chandlers Ford, Eastleigh, SO53 5AY

Case Officer: David Huckfield

Description: Demolition of existing house and single garage and construction of a new two-storey house with separate guest Annex / Gymnasium and associated landscaping and parking. Creation of a new vehicular access point from Nichol Road.

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within Established Residential Area Subject to Tree Preservation Orders (Woodland Order 58-H and TPO244-E)		

Relevant Planning History?	Yes ☒	No ☐
• Z/05850/000 – Proposed bungalows – PERMIT (1959) • Z/05961/006 – The felling of one Sweet Chestnut – CONSENTED • T/05961/007 – The felling of one Birch tree – CONSENTED (1978) • T/05961/008 – The felling of two Sweet Chestnut – REFUSED (1979) • T/05961/010 – The felling of two Sweet Chestnut trees – CONSENTED (1981) • T/05961/011 – Felling of Trees – CONSENTED (1988) • T/06/58423 – Crown lift to 3m over the footway and 5.1m over the carriageway to good pruning points – CONSENTED (2006) • T/09/66232 – Crown lift 1no. Red Oak to 5.2 metres over highway – CONSENTED (2010) • T/12/70394 – Fell 1no. Red Oak – CONSENTED (2012)		

Site Visit:	Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☐
		Newspaper ☐

Representations Received:

54 Nichol Road, Chandlers Ford

While wishing to submit a comment re this application upon reflection I feel this needs to be an objection. While understanding the desire to renovate and extend the accommodation at No.38 Nichol Road this application seems inappropriate as it is for the following reasons:

1. There is no arboricultural report and yet the proposal seems to remove several trees/shrubs, notably some that afford significant amenity to others in the area, namely Cameliia and Japanese acers. Surely this property is covered by at least the Eastleigh BC TPOs and probably also the Hampshire Woodland orders that apply many in Nichol Road I am aware of. Removal of mature trees and shrubs like this will inevitably reduce the area's ability to absorb CO2, contribute to the local climate change (upwards etc.)
i. The proposal to fence this property seems at odds with the character of the area, Soft hedging along the lines currently in place seems preferred.

2. The conversion of the garage into such a sizable block impacts the occupant of the dwelling immediately to the east in Woodlands Road significantly and in doing so their amenity. I note the Hampshire Council comment re any potential future application for this additional block to become a separate dwelling. This seems in conflict with the Chandlers Ford Character Area supplementary planning guidelines and the specific ones covering Nichol Road (Hiltingbury Road West)

3. The main dwelling proposed

i) is out of character for the corners of Nichol Road and Woodlands Close as well as Nichol Road and Heathlands Road, an offset cross roads if you like, where the four corner plots are single storey with low pitched roofs in keeping with the openness of frontage and views etc indicated by the Hiltingbury Road West guidelines. Other applications have respected these guidelines or been refused where proposed otherwise.

ii) is excessively dominant and massing on this corner. The height, at 2 storeys plus pitched roof is impactful to the neighbours at No. 40 and I commend their input re this.

iii) the proposal for a significant parking area on the Nichol Road frontage, with its drive leading to Nichol Road, will be significantly within the RPA for the large mature trees on the corner of Nichol Road and Woodlands Road and in 40 Nichol Road. No specific measures re protecting these trees and their RPAs during construction nor during its use as a drive afterwards is provided, e.g. type of drive to ensure no excess root heating, appropriate drainage of water into the RPA for the tree's health etc.

I would hope the planning officer refuses this application as proposed and that any future application is more sympathetic to the area, its character and heeds the Character area planning policy and the amenity of its residents and neighbours.

41 Nichol Road, Chandlers Ford

Our only concern is the proposed new entry for the parking area from Nichol Road. We believe that it would be better to have the entry to the proposed new parking area from Woodlands Close, a better road safety option, as Woodlands close is much quieter than Nichol Road.

Nichol Road is at times a busy route for through traffic, including a bus route. The proximity of the proposed new drive on to Nichol Road to the major corner is a concern for safe traffic and parking management. With the entry point onto Nichol Road there is a greater likely hood of cars parking on Nichol Road. If the entry point is on to the quieter Woodlands close street parking from time to time would most likely be on Woodlands, avoiding the potential for Nichol Rd to become congested. As the passage of traffic on Nichol Road can sometimes be difficult, particularly for larger vehicles such as buses, it would be best to avoid a new entry on to Nichol Road. There is also a problem with traffic accelerating rapidly from Heathfield Road into Nichol Road, making this area dangerous at times.

Looking at the plans there is adequate room to position the new drive entry onto Woodlands Close allowing access to the parking area from a much quieter road (Woodlands Close). For Road Safety considerations and the avoidance of congestion on the main through road (which would impede easy access for large vehicles i.e. Buses), we suggest that the proposed new entry be on Woodlands Close and not on to Nichol Road.

13 Woodlands Close, Chandlers Ford

Although this property has a Nichol Road address it actually fronts on to Woodlands Close. All properties in Woodlands Close are subject to strict planning restrictions regarding changes to the front elevation, the proposed development breaches these conditions. If this development is approved will the local plan be amended to allow future development within Woodlands Close and the consequent loss of the street scene which is often quoted as a reason to retain the current restrictions.

37 Nichol Road, Chandlers Ford

Dear EBC planning Dpt. I am in full support of my new neighbours planning proposal however, I would like to respectfully request that EBC kindly ask the applicant that the proposed contractors refrain from parking builders vans on grass verges especially outside my property on Nichol road. Not only does it churn up the grass and turn it into a mud bath but it will make pulling out of my driveway somewhat tricky especially with the speed of vehicles travelling up and down the road and notwithstanding the idiots who pull

out of Heathfield road without looking left before turning left. Otherwise I'm happy with the proposal and may I wish my new neighbours all the very best.

40 Nichol Road, Chandlers Ford

We (no. 40 Nichol Road) have for some time expected that an application to extend no.38 would be submitted if there were a new owner and we understand the wish to develop the existing bungalow.

However, we object to the above planning application on the following grounds:

Overbearing – height:

Being a corner plot, the current property at no. 38 extends further along the back garden boundary between no. 38 and no. 40 than would usually be the case for non-corner plots.

Presumably because of this, the current house was designed as a bungalow. As such, only the roof is currently visible from no. 40 (photos included below).

The proposed scheme retains the orientation of the existing bungalow, i.e. extending along the back garden boundary between no. 38 and no. 40, whilst increasing the height significantly from one storey to two and extending towards the boundary with no. 40.

An additional storey alone would make the new house overbearing to no. 40. The inclusion of 2 gable ends extending towards no. 40 further increases the extent of the overbearing given that even more of the proposed house is in very close proximity to the boundary.

From what we can see, none of the corner properties in Nichol Road have to date been permitted to extend or rebuild higher than their original roof height. We understand that on some occasions applications have been made and refused.

Overbearing – footprint:

The footprint of the proposal is larger than that of the current bungalow. In particular, it extends further in an easterly direction along the boundary with no. 40, into the garden, again increasing the amount of building visible from no. 40.

Overlooking & loss of privacy – main house:

The proposed house includes 4 upstairs windows in the north elevation which runs along the boundary of the back garden of no. 40. From these windows there will be a view both towards the rear of the house (no. 40) and into the back garden of no. 40.

Three windows are proposed to be obscured, but these will still give rise to a perceived loss of privacy due to their close positioning overlooking the house and garden.

The fourth is a floor-to-ceiling, non-obscured window overlooking both the house and garden of no. 40 and only a few metres from a bedroom of no. 40. There is likely to be a direct view from the new windows into the rear windows of no. 40.

Overlooking & loss of privacy – annexe:

The proposed guest annexe/gym has 2 upstairs windows looking directly back up towards the house and into the garden of no. 40.

Overshadowing & loss of light:

Due to no. 38 being located to the south of no. 40, the increase in both overall height and depth of building above one storey will significantly reduce the amount of light reaching the garden and rear windows of no. 40, particularly in winter.

Other matters:

The 3D model of the proposal included in the document "Design and Access Statement", is accompanied by the comment, "It highlights how much larger no. 40 Nichol Road is compared with no. 38". However, the model shows no. 40 as disproportionately large, occupying the full width of its plot, which it does not.

Since the 3D model is specifically referred to by the applicant to demonstrate the size of no. 40, we would like to highlight this as it is misleading.

With regards to context and visual intrusion, in Woodlands Close, the road onto which the proposed property fronts, all the houses are of a chalet style as originally built, and while some have been extended to the rear, none have increased the roof height or altered the style of the building when viewed from the road (reference Supplementary Planning Document, Hiltingbury Road West Character Area Appraisal).

We understand we can ask that the following conditions be considered should the application be approved, and that this does not weaken our above objections:

- all windows on the north elevation of the main house and the east elevation of the annex should be obscured and fixed or fanlight only, opening only above eye-level
- planting should be put in place which obscures the view from the windows into no. 40
- reasonable working hours on site
- considerate parking of works vehicles
- consideration should be given to the materials used on the north elevation. The proposed white render will make the building more overbearing than a brick finish for example

Consultation Responses (Summarised):

Chandlers Ford Parish Council	The Parish Council requests that the gym outbuilding is purely for private use with no commercial use as this is a residential area. Equally that no future development should be permitted to convert this into a separate dwelling in the future.
Tree Officer	Given the trees on site (subject to Tree Preservation Orders) and the proposal, full arboricultural information is required. This is set out in the Trees and Development SPD. At this stage, it is impossible to assess, so it is assumed to be significantly harmful to the trees on and off site and thus contrary to policy DM1 and DM11.
Ecology	There are numerous records of bats and hedgehogs very close to this site. The proposal would pave a much larger area of the site than currently paved, with parking areas for five cars, a large driveway and paved patio areas for both the proposed new house and gym. Although this is a proposed replacement dwelling, surface water drainage will be affected by the proposed large increase in paved surfaces. A surface water drainage statement will be required. Aerial photos available on Google maps show hedges along the western and part of the southern boundaries, several areas of shrubs and a row of trees along the southern boundary of the garden. The sketch view layout in the DAS shows very little vegetation other than lawns, occasional trees, and a narrow, planted bed along the front entrance path. This proposal would result in a net loss of biodiversity which is against local and national planning policies. The biodiversity checklist identifies a veteran tree but states that the development will not affect this tree. All the boxes in section 2 Species have been checked no but the proposed site plan shows trees, shrubs and hedges on site which would be affected by the construction. Any

	nesting birds or bats using these trees, shrubs or hedges for roosting or feeding would also be affected. Close up photos of the house, garden and garage are required to determine whether any bat surveys will be required. The photos must show the roof tiles on all elevations, flashings, soffits, fascia and the areas around the windows. A photo of the interiors of the loft and garage loft/roof would also be helpful. Photos of the garden should show the shrubs and trees, and any potential wildlife habitat such as hedges, scrub, rockeries, ponds and vegetation at the base of trees and shrubs. Precautionary working methods for hedgehogs will be required. In addition to no net loss of biodiversity, biodiversity enhancements are required. A bat brick and a swift brick may be appropriate for this building. Details of where additional information and guidance can be obtained were also provided.
Hampshire County Council Highways	No objection subject to conditions to require the construction of the access onto Nichol Road to be undertaken prior to any other works on site and to require the submission of a Construction Method Statement for approval prior to the commencement of development.
Southern Water	Southern Water advised that a formal application for a connection to the public foul sewer is required to be made by the applicant or developer and that the Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. It was also highlighted that it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Contact details for getting further advice in relation to these matters were provided.

Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan comprises of the Saved Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)
- Trees and Development (adopted April 2022)
- Character Area Appraisal for Chandlers Ford and Hiltingbury (adopted January 2005). The site lies within the Hiltingbury Road West Character Area with the appraisal document setting out the following principles for new development:
 - *sufficient garden depth and area is retained by existing or replacement dwellings, commensurate with their size and character, which can accommodate appropriate tree planting in keeping with the character of existing plots.*
 - *no healthy mature trees would be felled or likely to be damaged.*
 - *the design of any new building work, including extensions, is compatible with the character of adjacent good quality properties and fits well into the overall street-scene.*
 - *the existing building line along street frontages is respected.*

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and, as set out within paragraph 224, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Principle of development:

The site lies within the urban edge where the basic principle of development is considered to be acceptable. Any planning approval is, however, subject to the particular development proposal put forward being deemed to be appropriate and according with the criteria of the relevant local and national planning policies and associated supplementary planning guidance.

Layout, design and impact on the character of the area:

Policy DM1 of the Local Plan states that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. In this respect it requires that development takes full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and that it is compatible with adjoining uses and 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 Council's Quality Places SPD provides further guidance in support of Policy DM1, with the adopted Character Area Appraisal for Chandlers Ford and Hiltingbury setting out development principles for this part of the Borough.

Policy DM1 is considered to be consistent with the provisions of Part 12 of the NPPF, with paragraph 135 emphasising that planning decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and, are sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.

The application site lies within an established residential area and is situated on a prominent corner plot at the junction of Nichol Road and Woodlands Close. The existing

dwelling is a detached single storey pitched roof bungalow with a single garage sited to its eastern side. The property is orientated such that it fronts onto Woodlands Close with it being set near to the northern boundary of the site and in a recessed position from the prevailing building line within Nichol Road.

The combination of the low-profile nature of the dwelling, its siting and orientation, as well as the mature trees and planting which surround it, give the site a pleasant verdant appearance and the existing building a somewhat subtle presence within the Nichol Road street scene, with the replication of this modest and unimposing form of development on the opposing corner of Woodlands Close providing a particular sense of openness to the entrance to this road which contributes positively to the character of the area.

Whilst noting that there are a range of dwellings within the vicinity of the site, including those of a larger scale and full two-storey height, it is evident that the presence of lower profile development at junctions is characteristic of the immediate surrounding area with the scenario of single-storey dwellings on such corner plots being directly repeated on the opposing side of Nichol Road at its junction with Heathfield Road. Where dwellings at junctions further along Nichol Road and its neighbouring side streets do have first floor accommodation, either through alteration or as originally constructed, this has generally been sought to be achieved, with varying degrees of success, through a rooms-in-the-roof approach and the use of dormer windows, depending on the site's particular context.

The proposals, in this case, seek to replace the existing bungalow on the application site with a full-height, two-storey dwelling of a substantially greater scale and size. Whilst the property is not necessarily unattractive in itself and when viewed in isolation, in this particular context and setting it is considered that it would be notably at odds with its surroundings, with its significant scale appearing as inappropriately excessive and giving the dwelling an undue and visually obtrusive prominence within the street scene, undermining the aforementioned current open and spacious characteristic that currently exists at the entrance to Woodlands Close.

These impacts would be accentuated by the building's design and form which notably includes sizeable projecting double-height gable features with large areas of glazing that front onto and would appear somewhat imposing from Woodlands Close, particularly when viewed against the markedly lower profile development on the opposing corner of the road. The nature of the materials used, and notably the proposed white render to its upper storey, would only serve to further emphasise the substantial and disproportionate scale of the dwelling and heighten its visibility from its surroundings. Additionally, the loss of a range of existing vegetation across the site which, significantly, incorporates the current perimeter hedging and its replacement with a much more urban and hard boundary treatment in the form of walls and fencing would also markedly detract from the site's current verdant appearance which, as noted above, is presently a particularly positive facet of the street scene.

The aforementioned concerns are largely replicated with the proposed detached annex and gym building at the rear of the site, with the combination of its height and scale, positioning in such close proximity to the dwelling at No. 1 Woodlands Close, and its incompatible design and appearance with this property and those adjacent to it, resulting in what would appear as an unduly cramped and discordant form of development in the street scene.

Overall, therefore, and taking account of the above factors, the proposals, as a result of the combination of their excessive height and scale as well as their inappropriate design, form and landscaping, will result in the introduction of an incongruous and unduly prominent form of development to the Nichol Road and Woodlands Close street scenes, to the detriment of their prevailing character and that of the surrounding area. The application is therefore considered to be contrary to Policy DM1 of the Local Plan 2016-2036, Paragraph 135 of the NPPF, and the guidance contained within the Council's adopted Quality Places SPD and Character Area Appraisal for Chandlers Ford and Hiltingbury.

Residential amenity:

Policy DM1 of the Local Plan requires that new development should not have an unacceptable impact on, and where possible should enhance, residential amenities of both new and existing residents, whilst Paragraph 135 of the NPPF states that planning decisions should ensure that development provides a high standard of amenity for existing and future users. The Council's adopted Quality Places SPD provides additional guidance in relation to amenity in support of Policy DM1.

With regards to the development itself, the replacement property will provide for an adequate residential environment for its future occupiers to live comfortably. The level of floorspace proposed exceeds the requirements for a two-storey four-bedroom dwelling stipulated in the Nationally Described Space Standards and all rooms will be well served by light and outlook. A good-sized rear garden, providing sufficient usable private external amenity space, will also be retained.

Turning to the impacts upon neighbouring properties, the principle matters for consideration concern the effects of the development upon the amenity of the occupiers of the dwellings to the immediate north and east of the application site (No. 40 Nichol Road and No. 1 Woodlands Close respectively). Those to the west and south are deemed to be situated a sufficient distance away, with Nichol Road and Woodlands Close as intervening features, as to not be unduly adversely affected.

In respect of No. 1 Woodlands Close, the proposed guest annex / gym building would be positioned in closer proximity to the shared boundary than the existing garage, with it also being notably larger in height and scale. Whilst this would have an increased level of impact on the occupiers of the neighbouring property relative to the current structure, on balance it is not considered that this would be such as to be unacceptable in planning terms or to warrant a reason for refusal in its own right.

The new building would project beyond the front elevation of No. 1 Woodlands Close by a relatively modest distance (approximately 3 metres) with the roof being designed to slope away from the shared boundary to this side. As a result, reasonable potential for good levels of light to be received to No. 1's closest ground floor habitable window would be retained and outlook would not be unduly compromised. The rear facing rooflights within the annex could also be conditioned to be obscure glazed where required to prevent any undue overlooking or loss of privacy.

The impacts of the development upon the occupiers of No. 40 Nichol Road, however, raise much more significant concerns, particularly in respect of those arising from the proposed main dwelling. The current property at No. 38 lies in particularly close proximity to the shared boundary and projects beyond the rear elevation of No. 40 by a notable distance. It is however only single storey in height in this position which, when combined with its low-pitched roof that slopes away from the shared boundary, serves to notably limit its impacts upon the neighbouring property.

Whilst the new dwelling will be sited only marginally closer to the boundary than the existing, the combination of its increased depth, substantially enlarged scale and height, its design which includes gable ended roof forms to its northern side, and the relative orientation of the properties with No. 38 being virtually due south of No. 40, will result in a development which would have an unacceptable and detrimental effect upon the amenity of the occupiers of the neighbouring dwelling. This being through the adverse sense of enclosure of the shared boundary and an unduly overbearing impact, as well as a loss of outlook from and light to the rear habitable windows and private amenity area of No. 40. In these respects, the proposals are contrary to the above referenced requirements of Policy DM1 of the Local Plan, the guidance contained within the Council's Quality Places SPD, and Paragraph 135 of the NPPF.

In terms of other amenity considerations, it is noted that concerns have also been raised by the occupier of No. 40 in respect of overlooking and loss of privacy from the first-floor windows in the northern elevation of the proposed main dwelling as well as the dormer windows in the western roof slope of the annex. The dormer windows would, however, be sited at a sufficient distance from the rear windows of No. 40 as to not unduly compromise privacy (more than the 35 metres stipulated within the Council's Quality Places SPD at which privacy would be achieved through 'remoteness') and, although some angled views may be afforded from them into the garden of No. 40, this would be at the extreme end of the plot as opposed to the primary area of amenity space in closer proximity to the dwelling. With regards to the north facing first floor windows in the main property and whilst being conscious that the perception of being overlooked can in some cases in itself be harmful, in this instance it is considered that, on balance, the imposition of a condition to control the opening of the windows and require glazing to be obscured would be sufficient to mitigate an unacceptable loss of privacy.

Highway matters:

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

As the proposals are for a replacement dwelling within an established residential area, there are no concerns raised in respect of the location of the development or its connectivity by alternative modes of travel. In terms of parking, the replacement property will have 4 bedrooms within the main dwelling, with a further guest bedroom space shown within the detached outbuilding/annex accommodation. In accordance with the Council's adopted standards, dwellings of 4 bedrooms or more require a minimum of 3 parking spaces and, in this case, 5 would be provided through a combination of two driveway areas accessed from Woodlands Close and Nichol Road respectively. The former would utilise the existing dropped kerb, with the latter by way of a new entrance point from the site's western perimeter.

Whilst noting the comments of the occupiers of No. 41 Nichol Road concerning the new access point, this has been assessed by the Highway Authority who have raised no objection on highway safety grounds, with adequate visibility afforded and sufficient space available on the site frontage to enable vehicles to access and egress the site in a forward gear. Had the application been recommended for approval, the conditions recommended by the Highway Authority in respect of the access and the requirement for a construction method statement (CMS) would have been imposed accordingly, with the CMS including provisions for contractor parking and the prevention of parking on grass verges which was raised within the representation from the occupiers of No. 37 Nichol Road. The requirement for the separate consent of the Highway Authority to undertake the access works could be adequately dealt with by way of an informative on the decision notice.

Taking account of the above factors, there is considered to be no conflict with the requirements of Policies DM13 and DM14 of the Local Plan, the Council's Residential Parking Standards SPD, or the provisions of Part 9 of the NPPF.

Trees:

Policy DM1 (1.d.) of the Local Plan requires *inter alia* that development should not involve the loss of or damage to trees, woodlands, hedgerows or other landscape features of value to the character of the area unless they can be replaced with features of equivalent or enhanced value. These policy provisions are supported by the Council's adopted Trees

and Development SPD which aims to ensure that trees are fully considered as part of the planning process so their multiple benefits can be experienced by the Borough of Eastleigh and by existing and future residents. Key Point 2 within the SPD sets out a presumption in favour of retaining existing trees which aligns with the provisions of Paragraph 136 of the NPPF. Key Point 3 goes on to state that where tree removals are unavoidable and justified, proposals for the addition of new trees should be submitted in line with the Tree Replacement Policy set out within the SPD.

Paragraph 11.2 of the SPD states that where trees could be impacted by development, applicants must supply appropriate arboricultural information including a Tree Survey, Arboricultural Impact Assessment and an Arboricultural Method Statement. In these respects, BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations* (BS 5837:2012) advises that a realistic assessment of the probable impact of any proposed development on trees should take into account the characteristics and condition of the trees concerned, with due allowance and space for their future growth and maintenance requirements. To maximise the probability of successful tree retention, account should be taken during the design process of any shading of buildings and open space, any direct damage both below and above ground, future pressure to remove trees, and seasonal nuisance.

The site is subject to Tree Preservation Orders (58-H and 244-E) and there are a number of arboricultural features both on and immediately adjacent to it which make significant contributions to the amenity of the area. These include, but are not limited to, the substantial mature Sweet Chestnut Trees close to the western boundary of the site (within the highway verge) and on the frontage of No. 40 Nichol Road, the sizeable Birch Trees adjacent to the northern boundary of the plot, as well as the perimeter vegetation and range of smaller trees on the site itself, which collectively combine to make a particularly positive contribution to the verdant character of this part of both the Nichol Road and Woodland Close street scenes.

The site layout plans for the development indicate the encroachment of buildings and areas of hardstanding into what appear, in the absence of detailed tree survey information, to be the root protection areas of a number of mature and protected trees. The proposals also show the loss of a range of trees within the frontage and rear garden areas of the site, as well as the removal of perimeter vegetation and its replacement with a harder landscape boundary treatment. No arboricultural information has been provided to justify the proposed tree removals or to demonstrate that the proposed development could be carried out in a manner which would not cause harm to the integrity or long-term health of those trees which are shown to be retained. In addition, no detailed landscaping information has been submitted to show that any features lost can be replaced with those of equivalent or enhanced value (in line with Policy DM1 of the Local Plan) or that the requirements of the Council's Tree Replacement Policy would be met.

Accordingly, the proposals are considered to be in conflict with the provisions of Policy DM1 of the Local Plan, the Council's Tree and Development SPD, and Paragraph 135 of the NPPF.

Ecology:

Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, there is overall biodiversity net gain, and the benefits of the development clearly outweigh the adverse effects. These requirements are consistent with Paragraphs 180 and 186 of the NPPF.

The application is supported by a biodiversity checklist which has been considered by the Council's Ecologist alongside the other documentation forming part of the submission. Whilst the completed checklist sets out that the development will not unduly impact upon ecological features or protected species, on the basis of the site context and the proposed plans the Council's Ecologist has highlighted that further information is required in order to be able to determine whether this is indeed the case.

As set out within their consultation response, there are features present on site (for example, trees, shrubs and hedges) that would be affected by the development and which have the potential to support nesting birds or bats. There would also be a net loss for biodiversity arising from the removal of trees, hedgerows and planting and the increase in hardstanding, with no ecological enhancements proposed. Further information is also required in order to determine whether bat surveys may be necessary for the garden, house and garage in light of the demolition of the existing structures and the alterations proposed to the external areas.

Natural England's Standing Advice for protected species stipulates that a developer should submit enough information to enable the Local Planning Authority (LPA) to fully consider the effect on protected species and their habitats and that surveys can be requested where there is suitable habitat on site. In this case and for the reasons set out above, it is considered that insufficient details have been provided to allow the LPA to fully consider the ecological effects of the proposals. As this is deemed to not be a matter than could be conditioned in the event that permission was to be granted, this will therefore form an additional reason for the refusal of planning permission with the proposals being in conflict with the requirements of Policy DM11 of the Local Plan and Paragraphs 180 and 186 of the NPPF.

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. In this particular instance and had the application been recommended for approval, it is considered that the applicable sustainability requirements, which relate to energy and water usage, could have been adequately covered by condition. When considering the impact of climate change, therefore, the proposed development would be expected to be resilient to its potential effects.

Equalities Implications:

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

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Recommendation:

PERMIT ☐

REFUSE ☒