

DELEGATED OFFICER REPORT

Application Ref: F/24/97118

Site Address: 17 O'Connell Road, Eastleigh, SO50 9GN

Case Officer: David Huckfield

Description: Demolition of existing outbuilding and erection of detached 2-bedroom dwelling

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within Established Residential Area Within Zone of Impact of European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC and SSSI) and New Forest National Park (SPA, SAC and Ramsar sites). Within Southern Water 2m Sewer Buffer		

Relevant Planning History?	Yes ☒	No ☐
F/23/95271 - Erection of new 3no. bedroom detached dwelling on site of existing workshop/store – REFUSED (25/08/2023)		

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

Representations Received:

One letter of representation was received from the occupier of No. 2 Spencer Road, Eastleigh was received in relation to the application, with this raising the matter of a need for a suitable boundary treatment to be installed between properties in the interests of privacy and security, and for the development works proposed to not endanger hedgehogs and their habitat.

Consultation Responses (Summarised):

Eastleigh Town Council	No objection
Tree Officer	No objection
Ecology	This site is within an amber impact risk zone for great crested newts. There are records of bats, swifts and hedgehogs very close to the site. Site photos are required to determine whether a survey will be required. The photo on Google maps of the outbuilding shows that it is covered in vegetation, so it may provide potential habitat for nesting birds and bats. Photos should be close-up and taken in good light. The roof, the interior of the outbuilding and any windows should be shown. The vegetation in the garden and growing over the outbuilding should also be shown. Application submitted on 25/3/24 so still within the 10% BNG exemption period for small sites. Biodiversity enhancements will be required in accord with Local Plan policy DM 11 and NPPF paragraph 180. A bat brick and a swift brick may be appropriate for this building proposal. The Bat Conservation Trust recommends installing a bat brick/box at least 4m above the ground, away from artificial light sources, sheltered from strong winds and exposed to the sun for part of the

	day, facing south, south-east or south-west. Swift nest boxes are best positioned under the eaves or on walls facing north, northeast or north-west out of direct sunlight, five metres above the ground, with clear adjacent airspace so swifts can access them in a high-speed direct flight.
Hampshire County Council Highways	In regard to application F/24/97118, having reviewed the information contained within the application pack, there would be no objection to the proposals from a highway perspective, subject to conditions being applied. It is proposed that vehicle access into the proposed site will be via the existing vehicle crossover on O'Connell Road for a single parking space utilising the existing driveway, and then to the east, a separate vehicle crossover is proposed which at triple width, will provide access to two spaces for the existing dwelling, and a second single space for the proposed dwelling. This is generally acceptable, however it would be requested that the hedge fronting the site on the O'Connell Road boundary is reduced sufficiently in height (down to 1.0M) to a point 2.0m from the edge of carriageway to enable adequate visibility splays to be achievable and as such provide safe vehicle access. Applicants should also be made aware that as new development, future residents will not be entitled to join the controlled parking zone, within which the development is located. Conditions are recommended in respect of access construction provision and access visibility, as well as to require the submission and approval of a construction method statement prior to the commencement of development.
Southern Water	Southern Water highlighted the presence of existing public apparatus on / in the vicinity of the site and that its exact position would need to be determined by the applicant in consultation with Southern Water before the layout is finalised, with the requisite stand-off distances and protection measures being outlined. Provisions and requirements in relation to foul and surface water drainage to serve the development were also stipulated.
Environmental Health	The former / current use of the land has the potential to have caused contamination of the ground, however no information is included in the application showing how land contamination risks have been appropriately considered. Due to this and the sensitive end use proposed we recommend that the application be permitted only subject to conditions requiring the investigation and assessment of land contamination, and a requirement that appropriate mitigation of any discovered risks be carried out to the satisfaction of the Local Planning Authority (LPA), as necessary. Conditions are recommended to this effect. In addition, a condition is recommended to require the submission of a Construction Environment Management Plan (CEMP) in the interests of amenity, along with an informative in respect of the potential for the development to be impacted by radon and the possible need for the incorporation of protection measures into the development.

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 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 Eastleigh (adopted January 2008). The site lies within the ELAC 17 Character Area with the appraisal document setting out the following principles for new development:
 - *Maintain the formal building compositions around route intersections and cul-de-sacs.*
 - *Maintain the importance of the open green spaces and associated semi-mature broadleaved tree planting.*
 - *Maintain the predominant hedge plot boundaries.*
 - *Ensure that the form of new development relates effectively with the gabled end frontages prominent in existing development.*

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 Eastleigh 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.

This area in which the application site falls is formed predominantly of a mixture of semi-detached houses and short terraces of dwellings which are, in the main, set on fairly good-sized plots. It has a particularly strong character due to the uniformity in building form, the geometric layout of the development and the formal building compositions around open spaces, including at key route intersections and junctions. No. 17 O'Connell Road is one of a pair of semi-detached houses situated at an angle to a junction of the street, an arrangement which is common at several road junctions on this residential estate.

The proposed property would be sited in the gap between No. 17 and the boundary of the plot with the property to the west, No. 19 O'Connell Road. Whilst it is evident that an attempt has been made to try to replicate some of the architectural features and form of neighbouring buildings, it is considered that the siting of a new detached dwelling in this position would result in an unacceptable overdevelopment of the site and unduly disrupt the prevailing rhythm and pattern of development in this part of the street, to the detriment of the character of the area.

The dwelling is positioned directly on the boundary of No. 19 and particularly close to No. 17, the result of which would be an unduly cramped layout and appearance within the street scene owing to the proximity of the respective buildings and the erosion of the current spacing which exists between neighbouring dwellings. This spacing is a particularly positive feature of the application site and something which is a key characteristic of the pattern of development in O'Connell Road and, save for the occasional outbuilding, has remained uninterrupted along its length.

In assessing the proposals, regard has been had to the in-fill developments which have occurred along Spencer Road, and which are referenced within the supporting statement that accompanies the planning application. These include No. 20a at the southern end of Spencer Road and, in closer proximity to the application site, at Nos. 1a and 2a at its northern extent. Each of these properties in-filled a gap to the side of a semi-detached dwelling positioned at the junction with an adjacent road.

In contrast to the application site, however, in each instance the plot was wider than that which is proposed at No. 17 O'Connell Road, with a greater level of space thereby being available for the dwellings to sit more comfortably within their setting and a less cramped arrangement to be achieved than would be the case with the development that is now proposed. Notwithstanding this, each case is determined on its own merits and within its particular specific context and, as noted above, O'Connell Road is devoid of such in-fill developments and as a result retains the spacious character that was a distinctive element of the original residential estate and remains a particular feature of the street scene. It is not considered therefore that the developments referenced provide justification for the proposals.

For the reasons set out above, the application is therefore considered to be contrary to Policy DM1 of the Local Plan 2016-2036 and Paragraph 135 of the NPPF.

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 meets the requirement for a two-storey, two-bedroom dwelling as stipulated in the Nationally Described Space Standards and all rooms will be well relatively well served by light and outlook. The area proposed as private amenity space also accords with the provisions of the Council's Quality Places SPD in terms of its size and, whilst a little compromised due to it narrowing significantly towards the rear boundary, it would nonetheless provide sufficiently usable garden space for the residents of the development.

Turning to the impacts upon neighbouring properties, the principle matters for consideration are in relation to the effects of the development upon the amenity of the occupiers of the dwellings immediately either side of the site, Nos. 17 and 19 O'Connell Road respectively. In terms of the latter, there are no significant concerns, with the proposed dwelling being set immediately alongside this property and No. 19 having only secondary fenestration in its facing elevation.

With regards to No. 17 within the current curtilage of which the application dwelling is proposed to be sited, there were concerns raised by the LPA in relation to the previous submission (F/23/95271) in terms of the impact that the new dwelling would have upon the living room and bedroom windows situated within the rear elevation of No. 17's side projection, owing to the close resulting proximity and relative orientation of the two buildings. Whilst the siting and proximity of the new building is only marginally different, the application now shows the impacted windows to be removed by way of brick in-filling as a means by which to mitigate the harm previously identified.

Whilst this in itself would have an effect on these rooms and is not considered to be the most ideal solution, it is accepted that the works could be separately undertaken without the need for planning permission as is noted within the submitted Design and Access Statement, and that the removal of the windows would address the issue previously identified in terms of the impact of the development on the light received to and outlook available from them. As the existing dwelling is within the red line and within the control of the applicant, the removal of these windows could be required by planning condition which, in this case, would not be deemed to be unreasonable given the rooms in question would both still have relatively large windows to the front which would allow for satisfactory levels of light and outlook to be achieved.

Taking account of the above factors, there is considered to be no undue conflict with the provisions of Policy DM1 of the Local Plan, the guidance contained within the Council's Quality Places SPD, and Paragraph 135 of the NPPF, in respect of the matter of residential amenity.

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.

The site falls within an established residential area on the outskirts of central Eastleigh and as such there are no concerns raised in respect of the location of the development or its connectivity by sustainable modes of travel. In terms of parking, the existing dwelling has 3 bedrooms with the proposed having 2. The Council's Residential Parking Standards SPD requires that, for both size properties, 2 car parking spaces be provided within the curtilage of each of the dwellings. As shown on the proposed site layout plan, these would be available on the frontage of both plots with access from O'Connell Road.

Had the application been recommended for approval, the provision of this parking prior to first occupation of the development could have been covered by condition, as could the other matters raised by the highway authority in respect of access construction, visibility, and a requirement for a construction method statement to be submitted for approval prior to the commencement of development.

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.

Ecology:

Policy requirements

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.

Protected species

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 in respect of the potential for habitat for nesting birds and bats to be present on site which could be impacted by the development.

Whilst acknowledging these comments and also having regard to Natural England's Standing Advice for protected species which stipulates that the onus is on the developer to submit enough information to enable the LPA to fully consider the effect on protected species and their habitats, it is noted that this information was not requested as part of the previous submission despite similar issues being raised by the Council's Ecologist. The matter did not therefore form a reason for refusal of planning permission and given that this was a relatively recent decision and that there has been no notable change in circumstances, it would therefore be considered to be unreasonable for it to do so in this particular case.

Impact on European Protected Sites:

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 on any European protected sites and specifically in this case upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC and SSSI) and New Forest National Park (SPA, SAC and Ramsar sites).

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

The required mitigation has not been secured as part of the planning application and in line with Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, it is not considered necessary to proceed to the Appropriate Assessment stage as the Local Planning Authority, as the competent authority, are not minded to approve planning permission for the development. This matter will, however, form an additional reason for refusal of planning permission with the application being contrary to the provisions of Policy DM11 of the adopted Local Plan, Paragraphs 180 and 186 of the NPPF, and the Habitats Regulations.

Other matters:

The matters raised by Southern Water and the Council's Environmental Health team in their respective consultation responses are considered to be capable of being covered by conditions and informatives (as applicable). In terms of the comments of the neighbouring resident at No. 2 Spencer Road, had the application been recommended for approval, the matter of the provision of appropriate boundary treatments could be covered by a landscaping condition, with a requirement for a CEMP also being stipulated with this to include measures to avoid any adverse harm to biodiversity during demolition and construction works.

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 ☒