

DELEGATED OFFICER REPORT

Application Ref: F/24/97078

Site Address: Land to rear of 1 Beech Road,

Case Officer: Gary Osmond

Description: Construction of 2No. detached three-bedroom dwellings with ancillary parking and amenity space, accessed via Beech Road

Particular Site Constraints?	Yes ☒	No ☐
- Within the urban edge - Within an established residential area - Foul Sewer		

Planning History?	Yes ☐	No ☒
None relating directly to the application site but there is obvious relatively recent backland development to the west of the site in the form of 3No. two storey detached dwellings.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	A total of three formal representations have been received to the originally submitted, all objecting to the proposals and raising the following issues. - Increased traffic - Parking - Disturbance and pollution during construction - Site is currently a mess - Not in keeping with the area - Overlooking and loss of privacy - Poor access to properties One representation was received to the neighbour re-consultation on the submitted amended drawings from a neighbour who has previously commented but no new points were raised.		
Hedge End Town Council:	Object on the basis of overdevelopment and not in keeping with the street scene. Councillors raised concerns over parking.		
Southern Water:	A public sewer runs across part of the site, this needs to be protected during construction and should have no construction or tree planting within 3 metres of the route of the sewer.		
Ecology:	This site is located in a green impact risk zone for great crested newts. There are records of bats, stag beetles and hedgehogs nearby. There are records of nesting swifts in the wider area. Aerial photos show that this site was almost completely vegetated until recent clearance activities, with large trees visible on Google Earth (latest imagery March 2022). The photos provided in the Design Access Statement show that the site has been cleared to bare earth with the cut remnants of large trees and a small amount of ruderal vegetation still visible towards the rear of the site. A biodiversity checklist has been submitted, however since the site has been cleared in advance of the application everything has been checked no. The trees and shrubs on site which were removed would have provided suitable habitat for nesting birds and possibly roosting bats.		

	The proposal would result in paving and buildings covering more than 50% of the site. Section 7.20 of the Design Access Statement states that the rear gardens are proposed to be laid to lawn. 7.23 states that space is available for a short length of hedge to the front of the dwellings and a small area would be available on the eastern side for a small ornamental tree. I object to this proposal due to loss of biodiversity and the inability to demonstrate any biodiversity net gain as required by local and national policies DM 1 and DM 11 and NPPF paragraph 180. The application is exempt from the requirement to provide 10% biodiversity net gain as it was submitted before 2 April 2024, however the existing local and national policies still apply. The pre-clearance value of the site can be taken as before the site clearance back to January 2020.
Trees:	It is clear that there has been pre-emptive tree removal on this site: public representations mention it; satellite imagery shows it; and the front cover of the DAS contains an image of root balls and cut timber. The Trees and Development SPD discusses pre-emptive felling in section 14: <i>14.1. Tree removal and site clearance prior to the planning process can have significant consequences to the ability to deliver sustainable development.</i> <i>14.2. Pre-emptive site clearance works are strongly discouraged and early dialogue with the Council through the preapplication advice process is recommended. This dialogue can help to ensure that important trees of mixed age class are retained within a well-designed layout thereby resolving potential conflicts between trees and development at the earliest design stage.</i> <i>14.3. If the Council considers it is clear that pre-emptive tree removal has occurred, the Council will seek suitable replacement trees as part of any planning process, thereafter, as per Appendix 1 – Tree Replacement Policy.</i> At this stage, we have seen no firm proposals to include tree planting, and we doubt the site with the proposed arrangement could accommodate any significant specimens (although we defer to the expertise of the Landscape Officer on this point). Therefore, we raise an arboricultural objection as the application currently stands, and would invite the submission of a landscape proposal.
Natural England:	No comments received.

Site Visit:	Yes ☒	No ☐
Details: 10/04/2024 – See separate site photos.		

Policy:
National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM6, DM8, DM11, DM13, DM14, DM23, DM29 & DM30.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals; Trees and Development; Biodiversity.

Assessment:**Site Context:**

The application site is a rectangular piece of land approximately 15 metres wide and 30 metres deep which lies to the rear of No.1 Beech Road. The site previously contained a number of outbuildings, as well as trees, all of which have now been cleared from the site. The site is accessed via a driveway from Beech Road and along the side of No.1. It is bound to the south and east by a 1.8 metre close board timber fence. The western boundary is currently open although the remains of a timber fence are still visible. The northern boundary is marked by a metre high brick wall.

Immediately surrounding the site are residential properties: a small end-of-terrace bungalow to the north, which lies flank onto the site; a two storey end-of-terrace dwelling to the east, again flank onto the application site. To the west is the flank elevation of a two storey detached dwelling with a conservatory to the rear, and to the south is a detached garage and garden to a property which fronts onto Lower Northam Road.

The wider surrounding area is residential in nature and made up of a mixture of single and two storey detached, semi-detached and detached dwellings of varying ages. Beech Road to the south and Longclose Road to the north form part of a 1960s former council estate. The centre of Hedge End is not far to the west of the site, with a large primary and secondary school campus a few minutes' walk away.

Proposals:

The application seeks consent for the construction of a pair of two storey detached three bedroom dwellings, accessed via the current driveway to the side of No.1 Beech Road. Parking would be provided in a shared courtyard to the front of each dwelling, with each also having a private garden to the rear. The proposals also include a boundary revision to the eastern side with No.32 Longclose Road. New parking would be provided to the front of No.1.

Policy & Principle:

The application site lies within the urban edge and within an established residential area where the basic principle of development is acceptable. However, any formal planning approval is dependent upon how well that proposed is considered to accord with the relevant policies and supplementary documents which make up the adopted Local Plan.

The most relevant policy in this instance is DM1 which requires all new development to be of a high standard of design which takes appropriate account of a site's context and that of the surrounding locality. It also requires development to minimise adverse impact upon the amenity of neighbouring occupiers and uses, as well as a good quality environment for future occupiers of the development. There is also a need to take appropriate account of natural features worthy of retention, as well as provide an appropriate quality of new landscaping.

Layout, Form, Scale, Design, Street Scene & Area Character:

Following a number of initial concerns, the proposed layout has been revised, albeit the general proposed arrangement remains the same, i.e. two dwellings side by side with parking to the front and garden to the rear. The main reasons for this revision was to

increase the distance between first floor facing windows of the easternmost proposed dwelling and the rear of No.1. At 18.5 metre, this was too far short of the 22 metre minimum set out in the Council's 'Quality Places' SPD between new and existing first floor windows. In addition, the depth of the proposed rear gardens at 10 metres was short of the 12 metres minimum for north facing gardens as set out in the SPD.

In order to address these concerns, the depth and layout of the proposed dwellings has been altered. Both dwellings have been pushed back a metre, with the first floor now including a setback bedroom window. This results in a first floor window distance of 20 metres. Whilst still under the 22 metres within the SPD required between new and existing windows, it is equivalent to the 20 metre minimum required between first floor windows within a new development. As such it would be unreasonable to say that there would be an unacceptable degree of overlooking between that proposed and No.1, which is included in the application site redline.

The rear gardens remain 10 metres in depth, due to the overall depth of each dwelling's footprint being shortened. Whilst still less than the 12 metre SPD requirements, in this instance both gardens are between 7 and 8 metres in width, as well as being generally open to the sky on three sides. As such, it is considered that a reasonable level of natural light would still be available to these gardens.

By pushing both dwellings back it also provides more room to the frontage, thereby helping to reduce the dominance of vehicle parking, and allows more scope for a greater degree of soft landscape planting, including at least one reasonable size tree.

In terms of form, scale and appearance, the proposed dwellings reflect the three dwellings to the west of the site, i.e. brick facing with fully hipped roofs. The two proposed dwellings are slightly smaller than the three newer neighbouring properties and as such have a lower ridgeline and smaller scale. Their backland position also means that they will not form an obvious part of any street scene, albeit it is acknowledged that they will be visible behind existing single storey development from Longclose Road.

Concern has been raised that the proposals amount to an overdevelopment of the site. Whilst noted, that proposed is very similar in density to original and more recent development in the immediate locality and follows the existing pattern of development. As such, it is considered to sufficiently accord with the requirements of the 'Quality Places' SPD and Policy DM1 of the adopted Local Plan.

Access, Parking & Highways:

The site access at approximately 30 metres in length and 3 metres wide is not ideal but is the only way to access the site without incorporating part of the rear garden of No.97 Lower Northam Road to gain access from the neighbouring development.

Notwithstanding, given the proposed access is only to serve two dwellings, it is considered feasible. Whilst there is no room to provide a passing place along its length, the number of times opposing vehicles would meet is likely to be minimal and should not cause a major issue.

Concern has been raised by the neighbouring property that the use of the drive along the boundary of their garden will result in unwanted disturbance. Whilst it is acknowledged that vehicle movement could cause some disturbance, given the access is only to serve two dwellings, the number of movements should not be excessive. It is also the case that the area of garden most likely to be disturbed is the bottom of the garden away from the main dwellinghouse. As such, the level of disturbance likely caused would not in planning terms be sufficient to warrant a reason for refusal. The surface treatment used for the access drive can also be controlled by condition, to ensure that a suitable quiet finish is used, i.e. not loose gravel.

Parking within Beech Road has been raised as the main area of concern by those who have provided comments. Presently, Beech Road can become very congested, with little room remaining to be able to easily turn a vehicle. The concerns raised are that two

additional dwellings will add to these existing problems. Whilst comments have been made as to the source of the existing problems, ultimately that proposed can meet the necessary requirements of the Council's 'Residential Parking Standards' SPD in that at least two useable off-road spaces can be provided for each of the proposed dwellings as well as No.1 Beech Road. As such the requirements of Policy DM14 would be met. Given that access to the proposed development and No.1 should be kept clear, this will as a result provide a turning space at the end of the cul-de-sac, so could help to alleviate the current problems.

In terms of highway impact, the two proposed new dwellings will have a negligible impact upon the wider highway network and will comply with the requirements of Policy DM13.

Amenity:

Existing Neighbours

Disturbance as a result of the position of the access drive adjacent to No.97 has already been discussed above. This same neighbour has also raised concern with regards to overlooking and loss of privacy to the rear of their dwelling. Whilst the first floor windows of the proposed new dwellings will face the rear of No.97, these will be some 37 metres away from the ground floor patio windows. As such, this more than meets any minimum distance set out in the 'Quality Places' SPD and will not result in any unacceptable degree of overlooking or loss of privacy in planning terms.

Potential loss of privacy to No.1 has also been discussed above, and whilst there will be some overlooking of No.1's rear garden, this would not be significantly greater than already occurs from properties off Longclose Road. Equally, the level of overlooking into the garden of No.30 Longclose Road would not be significantly greater than already results from No.95c Lower Northam Road.

As to impact upon existing neighbours to the east and west, the position of the proposed dwellings against their flanks will ensure there is no unacceptable degree of overlooking, loss of privacy, loss of light or loss of outlook.

Overall therefore, that proposed will not result in any unacceptable impact upon the amenity of existing neighbouring properties and accords with the requirements of the 'Quality Places' SPD and Policy DM1. The concerns with regards to disturbance during construction are noted and can be controlled via the application of conditions which require the submission and approval of a Construction Environmental Management Plan (CEMP) as well as controlling working hours, burning, etc.

Future Occupiers

Looking at the amenity of future occupiers of the proposed development, garden depth and available light has already been discussed above. In terms of physical area, that proposed for both plots significantly exceed the 60% of floor area minimum set out in the 'Quality Places' SPD and is akin to the general size of gardens in the locality, if not larger. Equally, both dwellings exceed the minimum internal floor area set out in Policy DM30.

With regards to privacy, light and outlook, these are all acceptable in planning terms for future occupiers. Outlook in particular has been assisted by enlarging the frontage parking area to better allow for soft landscaping to soften its visual appearance. Again, that proposed is considered to meet the SDP requirements and those of Policy DM1.

Trees & Nature Conservation:

Strong objections have been raised by the Council's Ecologist and Tree Officer to the clearance of the site prior to the submission of the planning application. Whilst this is certainly not best practice and is discouraged by the LPA, as is set out in the 'Trees and Development' SPD, none of the trees were subject to any form of preservation order. As such, the applicant was entitled to fell the trees and clear the site.

The arboricultural quality of those trees removed is unknown as no survey was undertaken. However, it is evident from aerial photographs that some were of a

reasonable size, albeit most were likely self-seeded and certainly did not look to have been maintained for many years. Whilst the lack of site maintenance may not have produced high quality trees, it would have given the site reasonable habitat potential for local wildlife. As such, the site would have provided something of a wildlife island surrounded by development.

Had the site not been cleared prior to the submission of the planning application, then the proposed scheme may have had to take account of any trees which were worthy of retention in terms of the site layout, etc. as well as assess the habitat potential of the site. However, that is not the situation which is currently presented. As such, a balance needs to be struck between making best use of a sustainably located residential site, verses providing mitigation for that lost.

Realistically it will not be possible to replace that lost and develop the application site in a manner which makes best use of the space available. Whilst the loss of trees and wildlife habitat is disappointing, and certainly not encouraged, in this instance and given the present condition of the site, it is felt that greater planning weight should be applied to redeveloping the site in a manner which makes best use of the space available. If this can be undertaken in a manner which also provides suitable mitigation for that lost, then this should be explored. However, it is acknowledged that the site is very unlikely to be able to provide an equivalent degree of mitigation on site due to site constraints. Notwithstanding, there is modest scope to provide some landscape and biodiversity enhancement over the present site condition, and a planning condition requiring details of such proposals to be submitted and agreed with the LPA is recommended.

Nitrates & Phosphates:

Natural England have advised that the increase in wastewater from new housing developments within the borough is having a detrimental effect on the quality of water entering the Itchen and Solent catchment areas through nitrification. As such all developments for additional housing are required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

The application site would use the Peel Common wastewater treatment works, which discharges into the Solent. As such the proposed development is required to achieve nutrient neutrality for nitrogen. Eastleigh Borough Council has a scheme which takes land out of agricultural uses and creates recreational spaces, thus reducing the nutrient output of the land. This scheme would be available to the applicant, although they have not confirmed if they intend to make use of this scheme or provide another form of mitigation. In either case, suitable mitigation can be secured by way of an appropriately worded planning condition.

Recreational Disturbance:

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within this catchment area is likely to result in additional visitors to these protected sites. Again, Eastleigh Borough Council has set up a mitigation strategy to address this issue which would be available to the applicant.

The site also falls inside the 5.6km buffer zone for the Solent SPA. It is recognised that new housing developments within these catchment areas are likely to result in additional visitors to these protected sites.

In order to mitigate for these impacts, the developer has provided contributions towards the Solent Recreational Disturbance Strategy and the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough).

Habitats Regulations:

Any proposed residential development in this area will have a likely impact upon The Solent SPAs. As such, an Appropriate Assessment under the Habitats Regulations has

been completed and forwarded to Natural England for comment. However, no response has been received following the necessary consultation period. This does not prevent the LPA from determining the application as it ultimately acts as the competent authority for the purposes of the habitat regulations.

Drainage & Servicing:

In order to comply with Policy DM6 the scheme will have to utilise sustainable urban drainage. No details of exactly what is to be used have been provided but can be secured by condition.

In terms of servicing, a shared bin collection point is shown at the end of the driveway for the two proposed dwellings, as well as No.1 Beech Road.

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 adopted local 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 local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted 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, 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 reduce/limit impacts on climate emissions as a result of the development or its use.

No specific details as to what particular measures are to be included as part of the proposals have been provided. However, there is scope for the installation of PV panels and electric car charging points.

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.

Conclusion:		
Recommendation:	PERMIT ☒	REFUSE ☐
Notwithstanding the disappointment at the clearance of the site prior to submission of the planning application, the site is clearly one which is suitable for development and is the type of sustainable urban infill site which can contribute to the need for new housing. Although not meeting all minimum requirements of the 'Quality Places' SPD, that proposed is nonetheless considered to make appropriate use of the site without amounting to a detrimental overdevelopment of the site or any adverse impact upon the amenity of existing or future occupiers, as well as following the existing pattern and nature of development in the locality. As such, the application is recommended for approval subject to conditions relating to: - Approved drawings - Commencement within 3 years - No commencement within 21 days - Drainage details - CEMP - Construction hours - No burning - Details of materials - Details of landscaping - Landscape replacement - Biodiversity enhancements - Nitrate mitigation - Bin & cycle storage provision - Parking provision - PD removed		