

DELEGATED OFFICER REPORT

Application Ref: F/24/96720

Site Address: Land to the rear of 33 Chestnut Avenue, Eastleigh, SO50 5AN

Case Officer: Summer Sharpe

Description: Construction of a 1no. dwelling following the demolition of domestic double garage, with associated amenity space and access off Mansbridge Road. Land to the rear of 33 CHESTNUT AVENUE, EASTLEIGH, SO50 5AN (Amended F/23/96324).

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - Airport safeguarding - Solent protection recreational disturbance - HRA screening; River, SAC, SPA & Ramsar - Air Quality Management Area (AQMA) (Southampton Road – east) - Sewers 2m buffer		

Planning History?	Yes ☒	No ☐
No. 33 Chestnut Avenue:		
F/23/96324	Construction of a 1no. detached chalet style dwelling following the demolition of domestic double garage, with associated amenity space and access off Mansbridge Road.	Refused (December 2023)
It is noted that neighbour no.37 Chestnut Avenue has permission for the subdivision of its plot. The history of no.37 Chestnut Avenue is set out below for clarity, as this will be discussed within the assessment of this application, albeit it should be noted that each application is determined upon its own merits.		
F/15/77742	Erection of 1no. 3 bed detached dwelling with parking, landscaping, bin & cycle store with access from Mansbridge Road	Refused (April 2016) Reasons for refusal related to: design, adverse impact upon neighbours & lack of contributions towards the SPA.
F/17/80645	Construction of 1no. detached 2 bedroom bungalow with associated amenity space, landscaping, car parking, cycle and bins storage with access off Mansbridge Road.	Permitted (September 2017)
F/18/83727	Construction of 1.no detached 2 bedroom bungalow with associated amenity space, landscaping, car parking, cycle and bin storage with access off Mansbridge Road. Land to South West of 37 Chestnut Avenue, Eastleigh, SO50 5AN	Permitted (September 2018)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None received.		
Parish Council:	No objection.		
Hampshire Highways:	No objection. Access: this would be via Mansbridge Road, utilising an existing vehicle crossover in order to enter the private		

	driveway. This is acceptable, with an existing vehicle use and drop kerb across the full width already in place. In terms of the host dwelling, no.33 Chestnut Avenue access will be from Chestnut Avenue utilising an existing drop kerb again already in place. Parking: whilst the parking quantum has not been fully assessed as this is a function of EBC as Local Parking Authority, it is noted that only 1 vehicle parking space is provided for the proposed dwelling rather than the required 2. The host dwelling does however have at least 2 vehicle parking spaces available via an existing driveway fronting Chestnut Avenue. Whilst noting that the site is in a Controlled Parking Zone, membership of which residents of the new dwelling will not be entitled to as a new build. Both layouts are however acceptable, though the space afforded for the vehicle parking on the new dwelling is very tight. Onwards it is noted that a cycle is to be provided, in line with EBC Parking Standards, and this will help to promote sustainable travel.
EBC Ecology:	As included in the ecology response for the previous application F/23/96324 there are records of roosting bats very near this site. there are also records of hedgehogs, stage beetles, and nesting swifts nearby. The Design and Access Statement states that no trees or hedges are to be removed as a result of this application, and that flora and fauna will not be affected by these proposals however there is no information as to what vegetation is actually on site. The photos of the site and surrounding area at the end of section 3 are not labelled, so it is not clear which if any are the rear garden of this property. Aerial photos on google maps show that the exiting garage takes up most of the width of this garden and the rest appears to be mowed lawn. There may be some shrubs along the western boundary fence, but the photo is not clear enough to be sure. The site plan shows that the proposed house would also cover most of the plot. Two trees are shown at the northern end of the garden with the rest laid to lawn. The key shows existing hedgerow and proposed native screen planting but it is not clear where on the site these would be located because they are not shown on the site plan drawing. Flowering plants for pollinators would enhance this garden and provide more biodiversity than a plain lawn. Surface water drainage information is required. If a soakaway is proposed it needs to be shown at least 5m from any built structure and this property cannot use the soakaway from the existing house. If permeable paving is to be used on the drive, it should also be shown on the plan. Biodiversity enhancements are required.
EBC Environmental Health:	None received.
EBC Contaminated Land:	Changes from previous application F/23/96324 in terms of footprint of the building are minimal, as they changed from 2-storey 3-bed dwelling to a single storey bungalow. Previous comments made on contaminated land are still valid on the current application, see below: A review of historical maps indicates the main dwelling at 33 Chestnut Avenue was built around 1950s, with the garage at the rear of this plot's garden noted for the first time in late

	1990s. The site is within a residential area. The geology of the site comprises River Terrace Deposits (Secondary Undifferentiated Aquifer) over London Clay Formation (unproductive Aquifer). The site is not within a Source Protection Zone. Made ground is likely to be encountered due to site's use. The site is within 3-5% radon risk area. In terms of contaminated land, we have no objections with the principle of the proposed development, but would recommend conditions and advisory note.
Southern Water:	Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
Natural England:	No comments have been received following the LPAs submission of HRA. <u>Comments 19 February 2024:</u> Further information required.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: Policies: S1 (delivering sustainable development), S2 (approach to development), S3 (location of new housing), DM1 (General development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM8 (Pollution), DM10 (water & waste water), DM11 (nature conservation), DM13 (access), DM14 (parking), DM23 (residential development within urban areas), DM30 (internal space standards), and DM38 (funding infrastructure).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Eastleigh Character Area Appraisal, and Trees and Development.

Site Visit	Yes ☒	No ☐
A site visit was not undertaken as part of this application, but was undertaken 23 November 2023, as part of the previous application (F/23/96324).		

Assessment:

Site & Surroundings

The application site comprises a semi-detached dwelling located to the south of Chestnut Avenue. The dwelling is set back from the road by a front amenity area comprising garden and a driveway, providing (at least) 2no. vehicular parking provisions. The dwelling also benefits from a long rear garden and garage. The garage, the subject of this application, is situated to the southern portion of the rear garden, spanning the width of the plot. The garage is accessed via Mansbridge Road, to the south.

The immediate surroundings predominantly comprise residential development. The neighbouring properties to the west also benefit from long rear gardens. It is noted that no.37 Chestnut Avenue has subdivided its plot, with there being a bungalow within the southern portion of that site. (This was permitted under planning applications F/17/80645 and F/18/83727). To the east, no.31 Chestnut Avenue has a shorter rear garden than that

of no.33, this is as a result of the geometric layout, whereby plots 1 and 2 Arnold Road have their rear gardens adjoining the rear garden of the application site.

To the west and south of the site and Mansbridge Road, is a fairly new residential development. These properties comprise a more modern design style with a central area for parking.

Proposal

The application proposes the construction of a detached dwelling following the demolition of domestic double garage, with associated amenity space and access off Mansbridge Road. This would be situated to the south of 33 Chestnut Avenue.

The proposed dwelling would have an external footprint of approx. 66.6m² and would be single storey with a maximum height of approx. 4.5m and eaves which would measure approx. 2.4m. The proposed dwelling would be finished in a combination of brick work, cedar cladding (pearl shade), barge boards (velum), grey upvc fenestration, natural slate tiled roof and PV panels. Access would be provided to the south, via Mansbridge Road whereby the dwelling would be set back (approx. 5.1m) to allow for off-street parking.

Principle

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

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

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

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

The proposal would provide for additional residential development within the urban edge, an area which is acknowledged to be a sustainable location, this contribution would be particularly modest in the form of a single dwelling.

Background & Comparison to Previous Schemes

As noted within the history section, planning application referenced "F/23/96324" proposed a chalet bungalow with 3no. bedrooms. This was refused for the following reasons:

- 1) *The proposals, due to the design, scale and siting of the new dwelling, would go against the prevailing character and pattern of development in the locality and result in development that is out of context with its surroundings, to the detriment of the character and visual amenity of this section of Mansbridge Road. As such, the proposed development is contrary to Policy DM1 of the Eastleigh Borough*

Local Plan (2016-2036), the Council's Quality Places SPD (2011), and the provisions of the NPPF (2023).

- 2) The proposed development fails to provide an appropriate standard of external amenity space for future occupiers, contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's Quality Places SPD (2011), and the provisions of the NPPF (2023).*
- 3) The proposed dwelling, due to its siting, scale and close proximity to neighbouring boundaries, would introduce a visually intrusive and unduly overbearing form of development to a domestic garden setting, to the detriment of the residential amenity of the occupiers of the immediately adjoining properties. As such, the proposed development is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's Quality Places SPD (2011), and the provisions of the NPPF (2023).*
- 4) The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen and phosphate loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2023) and the Conservation of Habitats and Species Regulations 2017.*

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

Design

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

In addition to the above Policy, the Eastleigh Character Area Appraisal (ELAC 15) makes reference to the application site and surroundings. The guidance within this category sets out that it would be important to: maintain the predominant shallow building setbacks and continuous building frontage, minimise the requirement for on-street parking in new development, maintain the predominant brick wall plot boundary, and ensure that materials applied in new development are similar or complementary to those prominent in existing development. It also sets out that there is a good strength of character within the area, which is due to *the regular grid layout and strong sense of enclosure resulting from the shallow building setbacks and continuous building frontage, and the consistent use of red brick also adds to the distinct character of the area.*

Previously, application referenced "F/23/96324" was refused on design grounds. This application has sought to reduce the footprint and overall height, which is considered to be an improvement.

The design of the proposed dwelling however, is still unlike any of the existing surroundings. Chestnut Avenue, Arnold Road and properties to the east comprise 1930s style dwellings. Properties to the west and south comprise newer more contemporary designed dwellings/ apartments. It is, however, noted that the proposed dwelling has been amended and is more reflective of the back-land development at no.37 Chestnut Avenue.

Whilst not being necessarily 'characteristic' of the area, the proposals are similar to almost immediately adjoining development.

Turning to the proposed materials, these comprise; brick work and cladding, which, again, are not dissimilar to the neighbouring site (rear of no.37 Chestnut Avenue), and it is noted that there is some use of cladding within the wider vicinity of the newer residential development to the south of the site, however is not a highly prominent material within this context. It is recommended that materials be secured via condition to ensure that future development is of an appropriate high quality.

As a result of the siting of the proposed dwelling, it is acknowledged that this would upset the existing grid layout (as described within the Eastleigh Character Area Appraisal) as the surrounding dwellings generally benefit from long narrow rear gardens. However, it is noted that to the west there is an existing dwelling which was also a subdivision of the neighbouring site (no.37 Chestnut Avenue). Whilst this does not necessarily set a precedent, given the amendments made to the scheme, which are reflective of the existing development the level of harm is not justified and would therefore not warrant reason for refusal.

Further, some landscaping has been indicated on the submitted plan, some hedging/ planting to the east and west boundaries, either side of the proposed parking, and 2no. trees within the rear garden (1 of which appears to be existing). Additional information with regard to landscaping matters, hard surfacing, boundary treatments and biodiversity enhancements are required and as such are recommended to be secured via condition.

Overall, and to conclude, the proposed dwellinghouse would be acceptable, subject to conditions.

Internal & External Space for Future Occupiers

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

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

The application proposes a single-storey 1no. bedroom dwelling. The submitted application form states that the development would be a 1no. bedroom dwelling. On the plans it is noted that there is 1no. bedroom and 1no. study. The NDSS requires between 39m² – 50m² for a single storey 1no. bedroom dwelling. From the submitted plans, the ground floor would provide approx. 55.8m², thus would meet the requirements of a single storey 1no. bedroom dwelling. The bedroom would measure approx. 12.6m², and would therefore exceed double person occupancy. It is noted that the study would measure approx. 7.6m², which technically could be big enough for a single occupancy bedroom, however, as stated with the application form the applicant is seeking permission for a 1no. bedroom dwelling. It should also be noted that a 2no. bedroom dwelling would not be acceptable given that it would fall short of the space required by the NDSS. As such, it is recommended that the study be conditioned to only be used as a study and at no point be used as a bedroom as the proposed dwelling is not of an appropriate size.

In addition, from the submitted floor plans and elevations, it appears that each habitable room would be served by a window, thus would provide adequate natural light. Concern,

would however, be raised with regard to bedroom 1. This would be served by 1no. window fronting parking provisions, whereby the outlook would not be considered high quality, further this could be impacted by vehicular movement; noise/ lights. Whilst not an ideal arrangement, this alone, would not warrant reason for refusal.

In addition, and as set out within the Council's Quality Places SPD, the garden size for new residential development must be at least 60% of the floor space of the host dwellinghouse. Further and in this instance, the 60% amenity space would also be applied to the retained dwelling. Previously, planning application referenced "F/23/96324" was refused for lack of external amenity space.

The proposed dwelling would have an external amenity area of approx. 63m², thus would provide the required compliant external amenity space. Further, and from the submitted proposed block plan, a crude estimation of the footprint of the retained 33 Chestnut Avenue has been undertaken, whereby this is calculated to be 124m² and the external amenity area has been measured to be approx. 89m², thus would also meet the SPD requirement. It is however acknowledged that the layout would appear slightly uncharacteristic when compared to the other gardens within the vicinity, given that these predominantly benefit from long rear gardens. Whilst not considered to be the most appropriate layout, both the existing and proposed dwellings would benefit from policy compliant external amenity spaces and therefore an unacceptable level of harm would not be justified.

Turning to noise and pollution, Southampton Road falls within the Air Quality Management Area. The application site is over 200m west of Southampton Road, whereby there is a protective buffer of existing residential dwellings along Doncaster and Arnold Road. As a result of this, it is unlikely future occupiers would be adversely impacted.

As such, and to conclude, the proposals are considered to be acceptable in this regard.

Impact upon Neighbouring Amenities

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

Previously planning application referenced "F/23/96324" was refused as a result of the adverse harm arising upon the neighbouring amenities. The proposals have since been amended whereby the height has been reduced.

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

Starting with no.33 Chestnut Avenue, it is noted that this site would be subdivided to allow the creation of a detached dwelling in lieu of the existing garage. The Council's Quality Places SPD sets out that there should be a minimum of 22m between first floor habitable rooms (rear to rear) so as not to result in adverse harm/ overlooking. The previous proposals fell short of this criteria and were contrary to the SPD. However, following the height reduction the proposal would be single storey and would have no windows at first floor level, therefore this criteria would not apply. Following amendments, there also appears to be approx. 20.8m separation from the proposed dwelling to the existing/retained no.33. Given the proposed dimensions and garden depths the proposals are not considered to have an adverse impact upon the amenities of no.33 Chestnut Avenue, by way of being overbearing or overlooking.

To the east is no.31 Chestnut Avenue. As set out within the description of the site, this rear garden does not extend the same depth as no.33. As a result of the garden depth,

and the siting of the proposed dwelling, it is unlikely that the amenities of this neighbouring property would be adversely affected.

To the east of the proposed dwelling are the rear gardens of 1 and 2 Arnold Road. Whilst it is acknowledged that there is currently an outbuilding in situ, this is of smaller dimensions. The proposed dwelling would be set in approx. 1m from the shared eastern boundary. No.1 Arnold Road has a garden depth of approx. 17m and no.2 has a garden depth of approx. 13.6m. The proposed dwelling would span a large proportion of the rear boundaries (approx. 10.7m) of no.1 and 2 Arnold Road, with an eaves height of approx. 2.4m, and overall height of approx. 4.5m. The overall height has been reduced when compared to the previous scheme, which has sought to mitigate the adverse harm arising. It is acknowledged that the proposals would still have an impact upon the amenities of these neighbouring properties, however given the fairly generous garden depths, and dimensions of the proposed dwelling it is not considered the resulting harm would be detrimental to these amenities. As such, and on balance, the proposals would be acceptable in this regard.

To the south is Mansbridge Road, whereby there is a block of flats to the southern side of the road. There would be approx. 16m between the windows of proposed dwelling and fenestration of the flats, thereby could result in some inter-overlooking. However, given that this would overlook the public realm this would not warrant reason for refusal.

To the west is no.35 Chestnut Avenue. As noted above, no.37 has already subdivided its plot with there being a bungalow within the southern portion. It is also noted that no.35 benefits from some outbuildings within the southern portion of its site. The proposals would result in the addition of a dwelling, which could create a tunnelling impact upon the rear garden of no.35, rendering this rear portion of no.35 less appealing as amenity space. Also, and as already noted, the proposed dwelling has undergone amendments reducing the eaves and overall height. Whilst this would still create a slight sense of enclosure, as noted, as existing there are outbuildings within the rear garden thus mitigating some harm which could arise, it is also noted that the neighbour no.35 does benefit from a long rear garden and would still have some enjoyment of this external space.

Overall, and to conclude, the proposals are not considered to result in an adverse harmful impact upon the amenities of the adjoining neighbouring properties.

Highway Safety, Parking & Refuse Storage

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted. The LHA have not raised any objection with regard to the proposals. They noted that the application site can be accessed via Chestnut Avenue (north) and Mansbridge Road (south), therefore the existing accesses would be acceptable. They also provided comments on parking provisions, albeit for EBC as parking authority to confirm the quantum. The Council's Parking SPD sets out that 3no. bedroom dwellings require 2no. parking spaces and 1no. bedroom dwellings require 1no. parking space. (It is assumed that no.33 Chestnut Avenue has 3no. bedrooms). It is noted that no.33 Chestnut Avenue benefits from a driveway (accessed via Chestnut Avenue) which could provide 2no. off-street parking provisions. On plan referenced "22/19/03" 1no. parking provision is shown to serve the proposed dwelling. The LHA confirmed the layout of these parking provisions would be acceptable, despite being tight for the proposed dwelling, and EBC would confirm that the number of parking provisions are acceptable in accordance with

Policy and SPD. However, the Council's Quality Places SPD sets out that *parking should not cause adverse impact to windows at ground floor level, particularly at night*. The proposed plan shows bedroom 1 fronting the proposed parking provisions, only being served by 1no. window, as such concern would be raised with regard to this configuration, however would not warrant reason for refusal alone.

In addition to vehicular parking, the LHA noted that cycle parking and bin storage should be provided. This is recommended to be secured via condition.

Ecology

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Due to the nature of development, the Council's Ecologist has been consulted. They noted that there are records of bats nearby, however the existing garage is unlikely to have features which would support bats, therefore they raised no objections to the proposals. They did, however, request biodiversity enhancements. This is recommended to be secured via condition.

Contaminated Land

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

Due to the nature of development, resulting in a sensitive end use, the Council's Contaminated Land Team were consulted. They raised no objection to the proposals subject to the conditions and informatives. Subject to this, the proposals are considered to be acceptable in this regard.

Drainage

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

The Council's Ecologist has advised that surface water drainage information is required, as well as information in relation to hard surfacing/ paving. As the proposal is considered to be acceptable, it is recommended that conditions be imposed to secure this information.

Sustainability

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

The site falls within a suitable location whereby the application also proposes solar panels on the roof of the proposed dwelling. This alone is not considered to provide policy compliant sustainability, but it is acknowledged this does positively contribute. It is therefore recommended that policy compliant sustainability measures be secured via condition.

SPA Mitigations

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites.

Due to the nature of the proposals, a HRA was undertaken and submitted to Natural England for their review. They provided no response to the Council's HRA. However, and in accordance with the provisions of Section 28(1)(6) of the Wildlife and Countryside Act (1981), as the application is being granted (in the absence of Natural England's comments), a condition preventing development from starting for a period of 21 days is recommended to be imposed to the consent.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site falls within the 5.6km buffer and therefore a 1no. bedroom dwelling would require a monetary mitigation of £465 (as of 1 April 2023), which has been received (23 May 2024).

In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste-Water Treatment Works which discharges into the river network and so causes eutrophication affecting the features for which it is designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with funding being secured during the planning application.

In addition to the above, Natural England have also highlighted that residential development within a certain catchment of the River Itchen (SAC) can result in phosphate loading resulting from additional sewage generated from future residents. The Council also has 'phosphate credits' available to offset this impact.

The HRA covered that the proposal would result in an additional 3.16kg/TN/year of nitrogen and 0.07kg/TN/year of phosphorous loading and that the necessary mitigation monies would be secured via condition.

Furthermore, Natural England has also raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. There is a monetary mitigation of £2,220 per residential unit to offset the impact upon the New Forest National Park, which was covered within the HRA, these mitigation monies have been received (23 May 2024).

Other Matters

The applicant has applied for planning permission for a 1no. bedroom dwelling. The submitted application form and description of development specifies the proposal would be a 1no. bedroom dwelling. It is however noted that the plans show 1no. bedroom and a study. As set out within the "Internal & External Space for Future Occupiers" section of this report, the study is big enough to be a bedroom, however the overall size of the dwelling would not be suitable for a 2no. bedroom dwelling. The LPA are agreeable to a 1no. bedroom dwelling, however would be concerned about the substandard internal arrangement should the study ever become a bedroom. It is therefore recommend to impose a condition to ensure the dwelling remains as a 1no. bedroom unit as it would not be of an NDSS compliant size for a 2no. bedroom dwelling. Paragraphs 55-58 of the NPPF set out the necessary tests conditions must meet to be robust. The LPA consider it necessary, related to the development, fair and reasonable to condition the study to remain as a study as a 2no. dwelling would not provide appropriate/ acceptable internal living accommodation for future occupiers.

It is also recommended that 'Permitted Development' rights be removed, in relation to Schedule 2, Part 1, Classes A (extensions and alterations), AA (additional storeys), B (additions to the roof), C (roof alterations), E (outbuildings), and Part 2, Class A (gates/ walls/ fences). This is to ensure that the proposed dwelling remains of a suitable appearance within the streetscene, and retains sufficient external amenity space (60% as set out within the Councils SPD). There is also concern that roof additions could result in adverse overlooking/ excessive bulk which could detrimentally harm the neighbouring amenities.

In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority informed the agent of the pre-commencement conditions to which they confirmed they were agreeable (email dated 1 May 2024).

Equalities Act:

Section 149 of the Equalities Act 2021 created the public sector equality duty. Section 149 states:

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

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

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other this, 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 Councils procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020-2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF and development plan do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and Local Plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF and Policies, S1, DM2, and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

Conclusion:

The application is recommended for approval subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐