

DELEGATED OFFICER REPORT:**Application Ref:** F/24/96708**Site Address:** 60 BURSLEDON ROAD, HEDGE END, SOUTHAMPTON, SO30 0BY**Case Officer:** Clare Martin**Description:** Erection of 1no. two-bedroom detached house adjacent to existing dwelling, with associated access onto Foord Road, parking and bin/bike storage

Particular Site Constraints?	Yes ☒	No ☐
Within Urban Edge Within Established Residential Area Within Solent Mitigation and Disturbance Zone Within New Forest Mitigation Buffer		

Planning History?	Yes ☒	No ☐
- WIR0912800000 - Erection of a bungalow – PERMIT OUTLINE (1961) - WIR0963700000 – The erection of bungalow – PERMIT (1962) - WIR0997800000 - Erection of garage and construction of access – PERMIT (1962) Z/26677/000/00 – Front porch – PERMIT (1983) - O/21/91568 - Outline: Construction of 1no. detached three-bedroom chalet style dwelling on land adjacent to 60 Bursledon Road (all matters for consideration) – REFUSE (September 2021)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>3 letters of objection (2 & 23 Foord Road & 58 Bursledon Road)</u> <i>Amount of development and character</i> - Scale of development is visually intrusive and does not integrate with neighbouring properties. - Overdevelopment of narrow plot. Insufficient space between 60 Bursledon Road and 2 Foord Road for a new property. <i>Residential Amenity</i> - Dwelling on higher ground than no.58 and large rear window would result in overlooking. Line of sight to windows in ground floor kitchen/ diner and first floor study - Loss of light and overlooking to side facing bedroom and conservatory windows, as well as the rear garden of no.2. Loss of light to lounge window until late in the day. - New entrance door overlooks garden of no.60. <i>Highway Safety</i> - Foord Road is narrow, busy road, and traffic often queued back pass access point. No pedestrian path around corner. No space for on site turning of cars. Proposal and associated car movement would increase highway safety risk close to road junction. - Overgrown hedge on corner of Foord Road making visibility difficult.		

	<i>Other</i> • Not the right site for housing • Comparable to previous application that was refused.
Ecology Officer:	<u>Protected Species and Biodiversity Net Gain</u> There are records of slow worms, common lizards and adders, badgers and bats near this site. Site photos show vegetation on site consisting of scrub, grass and some small trees which could provide habitat suitable for nesting birds, hedgehogs, foraging and commuting bats and slow worms. There is also vegetation including cherry laurel at the front of the site which would be removed to provide site access and parking. Local and national policies require no net loss of biodiversity on site. It is not clear whether that would be possible with this proposal. <u>Drainage</u> Surface water drainage information is required before determination. If a soakaway is proposed, it needs to be located at least 5 m from any built structure. It is not clear that there is enough room for a soakaway on this site. If an existing soakaway for number 60 is located in this area it will need to be moved. If there is not an existing soakaway in use, soil percolation test results will be required.
	Refer to standing advice as development: • Is for 5 dwellings or less • Does not require a change of vehicular access • Not off a classified road
Environmental Health (Contaminated Land):	<u>No Objection</u> The application site is located on land with a former contaminative use and has the potential to have caused contamination of the ground (brick works); however, no information is included in the application showing how land contamination risks have been appropriately considered. We do not object to the principle of the development, however, due to this and the end use proposed (residential with gardens) we recommend that the application be permitted only subject to condition 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 LPA, as necessary. In addition, construction works will elevate noise, vibration and dust causing temporary adverse impact. Best practicable means of control will be essential and implemented through a Construction and Environmental Management Plan (CEMP). The applicant or its contractor must calculate or predict likely impacts and consider the effectiveness of options on methods of construction and controls.
Parish Council:	Overdevelopment

Site Visit:	Yes ☒	No ☐
Details: 31/1/24		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

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 (sustainable development), S2 (approach to development), S3 (location of new housing); Development Management Policies DM1 (general development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM8 (pollution), DM10 (water and waste water), DM11 (nature conservation), DM13 (access), DM14 (parking), DM23 (residential development within urban areas), DM29 (Dwellings with higher access standards) & DM30 (internal space standards)

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Proposal and Site History:

The proposal is for the construction of a two storey, two bed, detached dwelling on the parcel of land, which forms the upper section of the garden of 60 Bursledon Road. The proposal includes a garden to the rear and car parking for the existing and proposed dwellings at the front with access off Foord Avenue.

The proposal follows an earlier refused application for a two storey, four bed, detached dwelling on the site. The application was refused because the developments

Assessment:**Principle of the development:**

The site lies within the urban edge where the basic principle of residential development is considered to be acceptable. The granting of any planning permission is however subject to the particular development proposal put forward being considered to be appropriate in terms of its design, scale, siting and form, as well as with regards to its impacts in a range of respects which include upon highway safety, residential amenity, biodiversity including any natural features worthy of retention, as well as upon the character of the locality. These matters are covered in the relevant sections below.

Character and Appearance

Policy DM1 requires development to take full and proper account of the context of the site including the character, appearance of the locality, and be compatible with adjoining uses and be 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 proposed development site lies within an established residential area, with it being situated to the western side of Bursledon Road at its junction with Foord Road. The existing property, a detached, two-storey dwelling, lies towards the southern corner of the

plot, with access and parking to its north-western side and amenity space primarily sited to its north and north-eastern sides. Bursledon Road is generally of a mixed character when viewed as a whole, however it is considered that this particular section (incorporating No. 60 and 58) arguably has somewhat of its own sub-character with it consisting of relatively sizeable, detached, two-storey character properties set on good sized plots and with a consistency to their front building line.

The northern side of Foord Road, by contrast, predominantly consists of 1960s single storey or dormer-style bungalows which are generally more closely spaced and set on less extensive plots siting along an established building line. Whilst the original plot forming No. 60 has already previously been reduced through the introduction of a single bungalow (now No. 2 Foord Road) to its north western side in the early 1960s, it still presently retains a sense of spaciousness to this side which is provided by its driveway and part of its garden area, with this contributing positively to the character of the street scene and allowing for an appropriate transition between the differing characters of development.

The proposal seeks to provide a further dwelling to the north-western side of No. 60. The dwelling has been adapted from the previously refused scheme so that it is smaller in size (going from four to two bedrooms) and has been reorientated so that it is narrower and deeper, with its width reduced from 10.1m to 6.3m. These changes allow more space between the dwelling and adjoining buildings, which was a concern with the previous application.

However, the proposal remains a chalet bungalow and, while the roof shape has been modelled on the bungalow at no.2, it introduces two long dormer windows stretching the depth of the property on either side. These dormer windows add significant bulk to the property's roofline, giving it an unattractive rectangular shape, and forming an incongruous feature that is not present within the Foord Road street scene.

The chalet bungalow will also be taller and set further forward than the neighbouring dwelling at no.2 and will sit in front of the line of bungalows and chalet bungalows to the northwest. This will make the property appear more dominant within the street scene where its design will detract from the appearance of the Foord Road. The forward position of the dwelling, and row of four car parking spaces across the frontage, leaves very little room for any significant landscaping that would be needed to provide a setting for the new property.

Overall, therefore, the proposal as a result of its form, design, siting and scale would detract from the Foord Road street scene from which the development would appear as an unduly prominent, incongruous, and visually dominant feature. As such the proposal is contrary to Policy DM1 of the Eastleigh Borough Local Plan.

Living Conditions

Policies DM1 & DM30 requires all new dwellings to provide a good living environment for their future residents and to meet the Nationally Described Space Standards. The proposed dwelling, which is a two-bedroom property with accommodation set over two-levels, would exceed the minimum level of overall floorspace required for a property of this nature. The main living areas would generally also enjoy good levels of light and outlook.

With regards to garden space, Quality Places SPD requires that a private usable area equivalent in size to a minimum of 60% of the internal floorspace of the dwelling be provided for its residents. A suitably enclosed area to the rear of the new property would be provided which would meet this requirement and therefore the development is considered to be acceptable with regards to the amenity of its future occupiers.

Residential Amenity

Policy DM1 amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents. Additional residential amenity guidance is provided within the Council's Quality Places SPD.

In terms of the impacts on existing dwellings, it is necessary to consider the relationship with No. 2 Foord Road and No. 58 Bursledon Road, which both share a boundary with the application site, as well as the impacts upon No. 60 itself following the subdivision of the plot. The properties to the opposing sides of Foord Road and Bursledon Road are sited at a sufficient distance away with these roads as intervening features, such that the amenity of their occupiers will not be unduly affected by the development proposals.

With regards to No. 2 Foord Road first of all and whilst noting the comments of the occupier of this property, it is not considered that the proposals would be unacceptably harmful to their amenity with the proposed building being detached with low eaves and set in from the boundaries. The side facing window referred to is also a narrow, obscure glazed window which is understood to provide a secondary source of light to the room that it serves with a larger window / opening into the conservatory to the rear.

In respect of the existing dwelling on the site, No. 60 Bursledon Road, the proposals would notably reduce the extent of its plot which includes the level of outdoor amenity space available for the use of its occupiers. A relatively reasonably sized area (currently laid to a combination of patio and lawn) would however remain to its northern side, with this being fairly well enclosed by the existing boundary vegetation and could be made more so with the introduction of additional means of enclosure. Although the proposed dwelling would be on higher land, its position and size means it would not be overly prominent from the neighbours garden and being to the northern side of the existing property the garden would thereby still enjoy reasonably good levels of light.

In terms of other effects, the new building would be on elevated ground and close to the single ground floor facing window within the western elevation of No. 60, so impact upon their light and outlook. However, the room is dual aspect with a further window to the southern elevation/side and as such the impact is not deemed to be unacceptable. The proposal would also introduce a first floor bathroom and ensuite window onto the side facing No.60, but these would be obscured so having a negligible impact on the neighbours privacy.

There are, however, concerns regarding the impact on the occupiers of No. 58 Bursledon Road with this specifically being by way of a loss of privacy that would result from the first-floor rear facing window the new dwelling. The window is of an excessive size (stretching across the back of the dwelling) and serves a bedroom so is not considered appropriate for this to be obscured. There is no specific standard within the amenity guidance set out in the Council's adopted Quality Places SPD for the distance that a first-floor window should be from a shared boundary when dwellings are orientated at 90 degrees to one another. This is thereby a matter of judgement based on the specifics of the development proposed and the context in which it would be carried out. Whilst the angle between the buildings would be sufficiently oblique as to prevent direct views into No. 58's rear windows, in this case the combination of the modest distance from the bedroom window to the shared boundary (approx. 9m) when combined with the notably elevated position of the application site relative to No. 58 would, it is considered, result in an undue level of overlooking and an unacceptable loss of privacy for the neighbouring occupiers when utilising the primary area of their amenity space closest to the dwellinghouse.

Due to the overlooking impact upon 58 Bursledon Road the proposal is considered to be contrary Policy DM1 of the Eastleigh Borough Local Plan.

Highways and Car Parking

Policy DM13 requires that all new development has a safe and convenient access to the highway network, with Policy DM14 requiring an appropriate level of car parking be

provided in accordance with the Council's adopted standards. Residential Parking Standards SPD requires two usable on-site car parking spaces to be provided for each dwelling. These spaces would be provided in a row of four spaces at the front of the site, in accordance with the adopted standards.

In terms of access arrangements, the existing dwelling is accessed from Foord Road and the entrance points would need to accommodate the four spaces through the removal of the existing vegetation. While the existing access point would be extended, Foord Lane is not a classified road and so the access works would not require planning permission in their own right. Furthermore, the access would be in excess of 10m from the Bursledon Road junction (which was previously stipulated by the highway authority in their comments on application O/21/918568).

In addition to car parking provision and in order to maximise opportunities for sustainable travel, the Council has a requirement (as set out within the Residential Parking Standards SPD) for secure cycle storage to be provided for new dwellings. This is accommodated within a shed/ specialist bike store (or equivalent) positioned at the side of the dwelling.

Finally with regards to the matter of pedestrian safety which has been raised within the third-party comments received, whilst acknowledging that there is presently no footway along the northern side of this section of Foord Road and that the proposals would intensify the level of development on the site, including the extent of the parking provision and associated vehicular movements to and from it, this would only be to a relatively modest degree. It is also of note in this regard that there is a footway to the opposing side of Foord Road which would allow pedestrians to move along it without having to walk along the road itself.

Overall, it is considered that there is sufficient space to accommodate the level of parking required and provide suitable access to it and the proposals are otherwise acceptable in highway safety terms. There is no unacceptable conflict therefore with Saved Policies 100.T, 102.T and 104.T of the adopted Local Plan in these respects or the provisions of the Council's adopted Residential Parking Standards SPD.

Ecology and Biodiversity Net Gain

Policy DM11 states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitats, protected or priority species and there is an overall biodiversity net gain.

There are records of slow worms, common lizards and adders, badgers and bats near this site. Site photos show vegetation on site consisting of scrub, grass and some small trees which could provide habitat suitable for nesting birds, hedgehogs, foraging and commuting bats and slow worms. There is also vegetation including cherry laurel at the front of the site which would be removed to provide site access and parking.

No ecological information has been provided with the application examining its impact upon protected and priority species that maybe present on the site or mitigation put forward. The proposal will also involve extensive site clearance and no information has been provided to demonstrate how the required biodiversity net gain will be achieved. Due to this lack of ecological information, the proposal is contrary to Policy DM11 of the Eastleigh Borough Local Plan.

Sustainable 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. For small sites of less than 0.5 hectares one form of filtration is required, such as permeable paving or soakaways. While the information has not been provided upfront there are usually sustainable drainage solutions that can be put in place for a

development of this size and this issue could have been dealt with via condition had the application been recommended for permission.

Impact of SPA:

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites. In this instance, given that the proposal was unacceptable in other regards no Appropriate Assessment has been undertaken, however an assessment of the impact has been completed below.

Solent & Southampton Water Special Protection Area

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site falls within the 5.6m buffer and therefore a 2-bedroom dwelling would require a monetary mitigation of £671 (as of 1 April 2024). This has not been received.

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

New Forest Special Protection Area

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within these catchment areas are likely to result in additional visitors and potential damage to these protected sites. In order to mitigate for these impacts new housing developments, need to contribute towards the Council's New Forest Mitigation Strategy, which provides Suitable Alternative Natural Green Spaces within the borough and funding towards an additional range post for the New forest. No contribution has been received to date.

Equalities Act:

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

Section 149 (1) states:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, 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. 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.

Conclusion:

Recommendation:	PERMIT ☐	REFUSE ☒
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Comments ...
