

DELEGATED OFFICER REPORT

Application Ref: F/24/97314

Site Address: LAND TO THE REAR OF 82 ST JOHNS ROAD, HEDGE END, SOUTHAMPTON, SO30 4DF

Case Officer: Rachael Morris

Description: Erection of a four-bedroom bungalow with associated parking, storage, and amenity space.

Particular Site Constraints?	Yes ☒	No ☐
Within the urban edge		

Planning History?	Yes ☒	No ☐
- Z/18255/000/00 - Erection of a single storey dwelling - Refuse - May 1978 (Appeal Dismissed Aug 1979) - Z/18255/001/00 - Outline: erection of detached bungalow - Refused Jan 1989 - F/07/60238 - Construction of 2 semi-detached chalet bungalows with integral garage & access from Norman Gardens - Withdrawn Sep 2007 - F/15/75840 - Construction of 2no. three-bedroom semi-detached chalet style dwellings with associated parking & amenity space with access from Norman Gardens - Refused - Jul 2015 (dismissed at Appeal Dec 2015) - F/15/76948 - Erection of 3-bedroom detached bungalow with detached garage, associated parking & amenity space - Refused - Jan 2016 (dismissed at Appeal July 2016) - F/20/88079 - Erection of 1no. detached THREE-bedroom bungalow provided with associated access, car parking, amenity space and storage facilities (AMENDED DESCRIPTION) – Permit – Jan 2022 - F/22/93003 - The erection of a detached four-bedroom bungalow provided with associated access, car parking, amenity space and storage facilities – Refuse – Jul 2022 (Appeal Dismissed Oct 2023)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	3 Tudor Gardens. Objection. Same objection as with the previous applications. 3 Wadhurst Road. Objection. I do not see what has changed since the previous, dismissed, application for this building. The drainage/flooding issues remain a major concern for surrounding residents, and this proposed development would not help these. It is a clear over-development of a small site. Croft House, 84 St Johns Road. Objection. Norman Gardens unsatisfactory to service further development. The proposed development will abut our garden right up to the fence line. Even though this is a single storey, it will still overlook our garden where we spend considerable time and will be seen from our house. I am also really concerned about paving over land and impact this has on drainage. 1 Norman Gardens. Objection. We live at the bottom of Norman Gardens and our garden is regularly water logged. Surely excavating such a large footprint to accommodate a 4 bed/4 bath bungalow with very little outside space can only exacerbate this problem for us and neighbouring properties. The current infrastructure is not suitable for the construction traffic that would be visiting this site for the removal of soil and delivering materials. There is also very limited space for such large vehicles to manoeuvre. With limited outside space and only 2 parking spaces for such a large property, this will only push more		

	vehicles to park in the cul-de-sac creating access problems for the other residents and their visitors.
Parish Council:	Objection on the basis of overdevelopment
Ecology:	The updates on biodiversity enhancements have been received and are appropriate. Information on wildlife sensitive lighting, the CEMP and surface water drainage can be conditioned.
Tree Officer:	From an arboricultural perspective, there isn't much change from the previous application. Thus, the arboricultural information submitted then can still be used we feel. Therefore, we raise no arboricultural objection to the proposal, subject to a condition.
Environmental Health:	<i>Comments were related to a proposed air source heat pump which has now been removed from the plans and application.</i>
Southern Water:	Please see the extract from Southern Water records showing the approximate position of water distribution main within the access of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised. - The 3-inch water distribution mains require a clearance of 6 metres on either side of the water distribution mains to protect it from construction works and to allow for future access for maintenance. -No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution mains without consent from Southern Water. - No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water distribution mains. - All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Site Visit:	Yes ☒	No ☐
Details: 15/09/2021		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM3, DM6, DM10, DM11, DM14, DM23, DM29 and DM30. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
<u>Character and area</u> - The application site is within the established residential area of Hedge End. The site was formerly part of the rear garden of 82 St Johns Road, a detached, two-storey property. The gardens of St Johns Road are large that are mostly open, laid to lawn, with some outbuildings in place. - The land drops from the south-east to the north-west, with the remaining area of No 82's back garden being terraced above the site, and also from the north-east to

the south-west with No 84 being on slightly higher ground and No 80 on slightly lower. To the north-west of the site is a more modern development, Norman Gardens, which predominantly comprises bungalows.

Background

- This site has been subject to several planning applications over the recent years. In January 2022, the site received a planning application for a 3-bedroom bungalow (F/20/88079), following a revision to remove a bedroom as originally submitted with 4-bedrooms.
- In July 2022, the same site came forward with a 4-bedroom bungalow scheme (F/22/93003) and was considered to go beyond the limit of acceptability for the site. As such this was refused. Subsequently, this was appealed and dismissed.
- The dismissed appeal (APP/W1715/W/22/3313667) for the four-bedroom scheme (F/22/93003) concluded that:

“The appeal site layout, ratio of built form to open space and overall appearance of the proposal would not have a harmful impact on the character and appearance of the area. Nor would it constitute overdevelopment of the site beyond that which is already approved. It would, therefore, comply with LP Policy DM1 insofar as it requires new development to not have an unacceptable impact on the character and appearance of an area, and it would align with the guidance set out in the Council Quality Places Supplementary Planning Document (QPSPD).”

“Consequently, the proposal would provide adequate private garden space and could provide adequate on-site parking to ensure acceptable living conditions for future occupants. It would, therefore, comply with LP Policy DM1 as far as it seeks to protect the residential amenities of new residents.”

- As such, the appeal was dismissed on solely a lack of biodiversity net gain, as below:

“although appropriate mitigation could be secured against any impact on protected habitats this does not mitigate or overcome the failure of the proposed scheme to evidence a net gain in biodiversity. Therefore, on this matter alone the proposal would fail to comply with Policy DM11 of the Eastleigh Borough Local Plan (LP).”

- Therefore, in this application, as the same design and layout has been put forward, it is considered that the general principle of a 4-bedroom bungalow on this site is agreed subject to securing the required biodiversity net gain and mitigation towards the New Forest.

Principle

- The application site lies within the urban edge, within an established residential area, and sustainably located in relation to a wide range of services and facilities. Within the urban edge the principle of development is acceptable, with any formal planning approval being based upon the exact nature, design and impact of that proposed being considered appropriate and in accordance with the relevant Local Plan policies and Supplementary Planning Documents.
- There is an extant planning permission approval on the site for a 3-bedroom bungalow of the same design approach. This was approved in January 2022 after Committee with Officer approval.
- Worthy of note is that the proposal would represent the development of a residential garden, which does not fall within the definition of previously developed

land (as defined on page 74 of the NPPF, revised Dec 2023). However, this does not preclude the site from being developed, instead it is up to the decision maker to balance the requirement to make efficient use of urban land verses the potential impact the development would have on the prevailing character of the area.

Design and layout

- The height of approx. 4m with the sectional appearance provided throughout the excavation levels simulates that of several outbuildings, which would be commonly found in many residential gardens. The sectional design of the roof form also breaks up the impact of the dwelling when compared to a block roof form. The dwelling's roof form will be finished in zinc to allow for a shallow pitch, not otherwise achievable.
- This shallow pitch and excavated form results in a low-key design which will sit modestly on the site. The proposed hardstanding, which another previous appeal Inspector, from 2016, considered to be incongruous (APP/W1715/W/16/3145461), has been reduced in overall width and additional vegetation proposed. The hardstanding with shallow entrance gate helps to soften the dwelling into its plot.
- A noteworthy point is that the previous permitted scheme had Permitted Development rights removed (classes A, AA, B, C, D and E of Part 1 Schedule 2 of the Town & Country Planning [General Permitted Development] Order 2015) due to tight nature of site where additional development would create an unacceptable in combination impact to the site. The Planning Practice Guidance was taken into account, notably paragraph: 017 Reference ID: 21a-017-20190723, however, as explained, the site is considered very tight where extra development would create a detriment and would need assessment via a planning application. As such, this condition will be re-applied.
- The position of the bungalow at the end of the cul-de-sac will finish off the appearance of Norman Gardens. Therefore, whilst the position of the dwelling in the rear garden of no.82 is different from the surrounding properties, the dwelling is not considered to have an unacceptable impact on the character of the locality.
- Overall, due to the shallow nature of the proposal, this property does not create a dominating nor overbearing dwelling. In addition, the hipped roof bungalow reflects the character seen in Norman Gardens and St Johns Road. The design works hard to not come across as incongruous and not to disrupt the prevailing character of the locality. Instead, this dwelling does make efficient use of the urban land and so the siting within this residential garden plot is considered acceptable in this case.

Residential amenity

- The proposed bungalow exceeds the nationally described space standards (NDSS), whereby a 4-bed single-storey dwelling, all with double bedrooms able to accommodate 8 people must measure 117m². This proposal measures a gross internal area of 160m². Nonetheless, bedroom 4 is 10.5m² and as such is not suitable as a double bedroom which must measure 11.5m², however does accord with a single bedroom space which must be at least 7.5m². This is in accordance with Policy DM30 and NDSS.
- The proposed amenity space also exceeds the council's requirement for private amenity space. The Quality Places SPD sets out that private amenity space must measure at least 60% of the floor space from the dwelling. The private amenity space, as stated on plan as 200 m² would result in 125% of private amenity space.

- While it is recognised the rear garden may feel overshadowed by the properties at St John Road, they are distanced approx. 30m away. Also, the property is within a 10-minute walk to public open space (Hedge End Recreation Playground).

Neighbouring amenity

- Although raised in topography, the dwelling is positioned where it will not directly look into any windows to the closest neighbours in Norman Gardens (numbers 6 and 9). Views from the dwelling's other windows will be obscured by the existing boundary treatment (high hedging and fencing). Furthermore, the modest height of the proposed bungalow, along with the reasonable set back from the site boundaries and neighbouring dwellings, means it will not have an unacceptable impact on residential amenity, in terms of a loss of outlook or loss of light.

Highways and parking

- It is proposed that access will be via a section of turning head in Norman Gardens, and this is acceptable, particularly given that the dimensions of the proposed driveway allow for forward gear access and egress. A drop kerb vehicle crossover will however be required in order to achieve this access from the highway, and the developer should be made aware that subsequent to any permission that may be issued by EBC as Local Planning Authority, a secondary permission will be required from HCC to actually undertake the works.
- The proposed driveway for the dwelling can accommodate two off-highway parking spaces and as such does not accord with the Council's 'Residential Parking Standards' SPD for the proposed four-bedroom dwelling which would require three spaces. However, the Inspector in the recent appeal (APP/W1715/W/22/3313667) stated:

The Council's Residential Parking Standards Supplementary Planning Document states that the car parking standard for an individual dwelling with 4 or more bedrooms would be 3 on-site parking spaces. The submitted plans indicate 2 parking spaces with space to manoeuvre so that the site could be accessed and egressed in a forward gear. Nevertheless, the proposed driveway area is well proportioned, and I am satisfied could provide 3 car parking spaces with appropriate manoeuvring space. Thus, the proposal could provide adequate parking for future occupants.

- A small outbuilding to accommodate cycle and bin storage is also provided to the front of the property. The proposed roof slopes down to the boundary, measuring approx. 1.8m from ground level.

Ecology and Biodiversity Net Gain

- The applicant has stated that the proposal will be self-build and as such is exempt from the provision of 10% biodiversity net gain, however, as with all applications, biodiversity enhancements are still required in accordance with Local Plan policy DM11. An appendix (09 July 2024) to the submitted ecological appraisal report (0695 Rev 01 and 01 11 19 Rev 0) include biodiversity enhancements to the satisfaction of the ecology officer. Therefore, this would address concerns raised in the most recent appeal.
- Two soakaways are proposed but as no residential property has been on this site previously, an infiltration test is required to ensure the soakaway will be sufficient. As such, this will be conditioned.

SPA Mitigation

- 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 raised an objection, but only to the Council's New Forest Mitigation. However, the LPA, as the competent body under the Habitats and Species Regulations (2019) are satisfied that the mitigation proposed is sufficient to address the impacts arising from the development upon European Protected Sites.
- 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.
- The nitrate mitigation for this development was purchased and secured through permission F/20/88079 and as such it is not considered necessary to request anymore financial contributions as the standard occupation rate of 2.4 will remain unchanged. The previous scheme secured mitigation towards the Eastleigh Borough Council nitrates mitigation scheme. The Council proposes to use its own land holdings to offset development as mitigation with appropriate land management and the Council commits to the land being secured in perpetuity (i.e. 80 years). For those offsetting sites that are ultimately intended for development, the Council will ensure these will not be developed until equivalent mitigation that has been agreed with Natural England is provided and secured.
- 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. Under previous application, F/20/88079, £681 was paid for a 3-bedroom property under the same plot. Both schemes cannot be implemented together and as such it is reasonable to just request an uplift on this payment for the 4th bedroom, at today's rates, and transfer the previous fee to this case. Therefore, we asked for an additional fee of £348.
- Furthermore, Natural England has 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. As noted above, Natural England have raised an objection, however the Council is satisfied with the mitigation, which has been secured via an upfront payment.

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.

Furthermore, a condition ensuring the dwelling does not use more than 110 litres per person/day has been applied to reduced residential mains water consumption.

Also as a new build development, there would be a requirement to meet the latest Building Regulations standards in this respect, which would include suitable insulation, energy requirements and standards. There is also scope to include additional measures such as photovoltaic panels to the roof and an electric vehicle charging point.

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

The proposed dwelling has a condition requiring accordance with Building Regulations M4(2) and policy DM29 from the Local Plan, which ensures accessible and adaptable dwellings can be bought forward into housing stock.

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Conclusion:		
Recommendation:	PERMIT ☒	REFUSE ☐
Comments ...		