

DELEGATED OFFICER REPORT

Application Ref: F/24/98320

Site Address: 38 Nichol Road, Chandlers Ford, Eastleigh, SO53 5AY

Case Officer: David Huckfield

Description: Demolition of existing bungalow and single garage and construction of a new two-storey, four-bedroom house with separate guest annex and associated landscaping and parking. Creation of a new vehicular access point from Nichol Road.

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within Established Residential Area Subject to Tree Preservation Orders (Woodland Order 58-H and TPO244-E)		

Relevant Planning History?	Yes ☒	No ☐
• Z/05850/000 – Proposed bungalows – PERMIT (1959) • Z/05961/006 – The felling of one Sweet Chestnut – CONSENTED • T/05961/007 – The felling of one Birch tree – CONSENTED (1978) • T/05961/008 – The felling of two Sweet Chestnut – REFUSED (1979) • T/05961/010 – The felling of two Sweet Chestnut trees – CONSENTED (1981) • T/05961/011 – Felling of Trees – CONSENTED (1988) • T/06/58423 – Crown lift to 3m over the footway and 5.1m over the carriageway to good pruning points – CONSENTED (2006) • T/09/66232 – Crown lift 1no. Red Oak to 5.2 metres over highway – CONSENTED (2010) • T/12/70394 – Fell 1no. Red Oak – CONSENTED (2012) • F/24/96900 – Demolition of existing house and single garage and construction of a new two-storey house with separate guest Annex / Gymnasium and associated landscaping and parking. Creation of a new vehicular access point from Nichol Road – REFUSED (11/04/2024) • H/24/97500 – Extension of existing bungalow to form two-storey 4 bedroom house. Demolition of existing single garage and replacement with guest annex with gym on ground floor – PERMIT (04/10/2024)		

Site Visit:		Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations Received (Summarised):			
A total of 4 letters of representation have been received in relation to the application with the following comments being made:			
40 Nichol Road, Chandlers Ford			
Since this application appears to be for the same design as application “H/24/97500”, we request that Conditions 12, 13 and 14 in the Final Decision document for that application, relating to the number of first floor windows, their position, type of glazing and opening are also applied here.			
54 Nichol Road, Chandlers Ford			
This application seemed identical to the amended version of the previous application H/24/97500 which was recently given a PERMIT, the only perceptible difference being the			

demolition and replacement rather than alteration/extension of the existing building. Presumably if this application is permitted the full current building regs re thermal performance etc will be required, something the previous application would not have. That being the case provided all the conditions and undertakings from the applicant/their advisers re build, protection of the trees and so on are the same then I see no reason to not permit this. However, as a matter of record a lot of the documentation, e.g. D&A statement, still refer to the original "extension of the existing bungalow" which seems sloppy.

20 Woodlands Close, Chandlers Ford

The significant extent of the building size has a material impact on the street scene of Woodlands Close, a scene that has been well preserved over many decades by planning protection. Whilst the address maybe Nichol Road, the vast majority of the building visibility is on Woodlands Close and therefore has material impact on the street scene.

13 Woodlands Close, Chandlers Ford

Whatever the plan is the property still fronts on to Woodlands Close where there are severe planning restrictions to maintain the street scene. This will, by the sheer size impact on this scene, and not in a good way. Please note applications to alter the front elevations within the Close always seem to be refused, this property is effectively in the Close.

Consultation Responses (Summarised):

Chandlers Ford Parish Council	The Parish Council confirms a previous request that the gym outbuilding is purely for private use with no commercial use as this is a residential area. Equally that no future development should be permitted to convert this into a separate dwelling in the future.
Tree Officer	As this is a resubmission of the same information, the comments that were provided previously are still valid. They are as follows: The site, located on the corner of Nichol Road and Woodlands Close, is highly verdant with several significant trees and numerous other ornamental specimens. All trees on site are protected by a TPO. In addition to the trees on site, there are also two significant trees that will be influential on the proposed development: one highway tree and one in the front garden of the property to the north. For the most part, the proposed dwelling should not be significantly impactful on the trees. However, the installation of the new access point has the potential to cause harm to the two off site trees. The supplied arboricultural documents suggest the use of special engineering, both for the new access/driveway and for the foundations of the dwelling. This is broadly acceptable but will require suitable arboricultural supervision in order to make sure that the correct procedures are followed. There are a few inconsistencies in the tree protection plan: for example, the outbuilding appears to be different from the site plan; and the tree protection fencing isn't probably workable as it extends into the public footway. These minor issues will have to be resolved pre-commencement. Therefore, we raise no arboricultural objection, subject to the following conditions to require the submission of an updated tree protection plan and an arboricultural supervision statement prior to the commencement of development.

Ecology	I have reviewed the Ecological Appraisal report (June 2024) and the Bat Survey Report (September 2024) both by Aluco Ecology. There have been several previous planning applications, and I continue to have no ecology objections. The Ecological Appraisal assessed the house and garage as having low-moderate bat roost potential and two emergence surveys were done. There were no bat emergences during the surveys. The Impact Assessment and Mitigation Recommendations in section 4.2 of the Bat Survey Report must be implemented. These are: Works that impact the roof must be done outside of the bat hibernation and breeding periods. This is from March to April and/or September to October. A pre-works inspection by a bat licensed ecologist must be conducted to ensure that conditions have not changed. All contractors must be briefed by the ecologist to ensure that they are aware of the potential of bats, their legal protection and procedures should a bat be found at any stage of the building work, all building workers must be made aware that there is a bat roost and informed that bats may be present. In the unlikely event of any bats being found during demolition or construction, all work must stop immediately, and Natural England must be informed. Additional information is available on the Bat Conservation Trust website. At least two new bat roosting features will be built into the new building, as shown in Appendix 2 and figure 4 of the report. Any external lighting must be shielded so that it does not shine on the bat roost entrances. Window shades should be closed at night to prevent interior lighting from shining on the bat roost entrances. Night scented flowering plants should be planted in the garden to provide biodiversity value and attract moths as food for bats.
Hampshire County Council Highways	No objection subject to conditions to require that the access onto Nichol Road be constructed prior to the commencement of any other works, as well as to stipulate than any gates to be provided be set back a minimum of 6m from the edge of the carriageway. A further condition is recommended to require the submission of a construction method statement prior to commencement of development. <u>Access:</u> Two access points are proposed for vehicles, being the continued use of the vehicle crossover drop kerb on Woodlands Close, and also via a new vehicle crossover drop kerb on Nichol Road. Both access points are acceptable, with adequate visibility achieved. However, in regard to the proposed access, the applicants should be made aware that subsequent to any planning permission that may be forthcoming from EBC as Local Planning Authority, additional permission will be required from HCC as Local Highway Authority to

	actually undertake the works. Details of this process can be found on the Highway Authority's website. It is noted that a gate is also included on the plans for the Nichol Road access, and this should be located a minimum of 6.0m from the carriageway edge to ensure a waiting vehicle can do so off of the highway. This appears to be the case from submitted plans, however it would be requested that this is ensured via a condition to ensure it remains the case in the future. <u>Site Layout:</u> The site layout is acceptable, with the primary vehicle access on Nichol Road leading onto a driveway which is sufficient in width and size for both parking and the turning of vehicles to allow for forward gear access and egress. In terms of the proposed annex to the rear, consisting of a 'Gym' on the ground floor with bedroom and bathroom facilities above, whilst there would be potential for conversion to an independent dwelling, this would be acceptable given the appropriate parking provision on site. The Case Officer may however wish to consider conditions to prevent this from happening, and also to prevent a future commercial based use.
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Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan comprises of the Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)
- Trees and Development (adopted April 2022)
- Character Area Appraisal for Chandlers Ford and Hiltingbury (adopted January 2005). The site lies within the Hiltingbury Road West Character Area with the appraisal document setting out the following principles for new development:
 - *sufficient garden depth and area is retained by existing or replacement dwellings, commensurate with their size and character, which can accommodate appropriate tree planting in keeping with the character of existing plots.*
 - *no healthy mature trees would be felled or likely to be damaged.*

- *the design of any new building work, including extensions, is compatible with the character of adjacent good quality properties and fits well into the overall street-scene.*
- *the existing building line along street frontages is respected.*

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and, as set out within paragraph 224, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

The application is considered to be acceptable and to be in compliance with the requirements of the relevant national and local planning policies and associated supplementary planning guidance for the following reasons:

- The application site lies within the urban edge where the basic principle of development is considered to be acceptable.
- In addition, it is also a material consideration of significant weight that the proposals are to all intents and purposes identical to those which were approved in October 2024 under planning application reference H/24/97500. This permission remains extant, with the only difference between the two proposals being that the current application seeks to demolish the existing bungalow and construct a replacement dwelling, rather than extend the current property as was the case with the previous permission. The resulting building would, however, be otherwise identical in scale, appearance, siting and design. The agent has advised that a demolition-rebuild approach is now proposed to be taken due to the associated build cost differential between this and the extension works.
- The Case Officer's delegated report for planning application H/24/97500 included a detailed assessment of the proposals and the impact on the character of the area, highway safety, residential amenity, trees and biodiversity, with the development being considered to be acceptable in these respects subject to the imposition of a range of conditional controls. As the resulting development would be the same as that previously approved and the representations and consultation responses, as well as the fact that the existing dwelling would now be demolished, do not material alter the conclusions reached, it is not considered necessary to repeat that assessment in full here and this report should thereby be read in conjunction with that of the previous application.
- The conditional requirements and restrictions imposed on planning permission H/24/97500 will be re-imposed accordingly with these being deemed to be sufficient to mitigate the impacts of the development where necessary. The exception to this will be a minor update to condition 5 to include a requirement for the Construction Method Statement to also provide details of measures for controlling dust and noise, with this being considered to be justifiable in the interests of amenity and in the context of the additional and notably more extensive demolition works now proposed.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with

partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

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

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. In this particular instance and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

Equalities Implications:

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

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

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

Recommendation:	PERMIT ☒	REFUSE ☐
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