

DELEGATED OFFICER REPORT

Application Ref: F/24/97943

Site Address: ROPLEY, BOTLEY ROAD, WEST END, SOUTHAMPTON, SO30 3HA

Case Officer: Gary Osmond

Description: Construction of 2No. three bedroom detached dwellings to rear with ancillary parking, amenity space, and shared access from Botley Road

Particular Site Constraints?	Yes ☐	No ☒
- Within the urban edge - Adjacent to unrestricted commercial/industrial B2 uses - Adjoins special policy area (WE4)		

Planning History?	Yes ☐	No ☐
F/13/73364 – Construction of 2no. two bedroom semi-detached dwellings and 2no. three bedroom semi-detached dwellings with associated access from Botley Road – Refused Aug 2014 (Dismissed at Appeal Nov 2014 - APP/W1715/A/14/2223373)		
F/08/62528 – Construction of 8no. 2 bed apartments in a two storey block with acoustic wall, alterations to access and new car parking, following demolition of side extension at Ropley – Refused May 2008		
Neighbouring Commercial Site: - Feri Trans, Botley Road		
F/22/92626 – Demolish existing rear single storey projection and erect new cladding wall with door entrance for workshop servicing and alter existing roof (retrospective) – Approved Mar 2023		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None received.		
West End Parish Council:	No Objection.		
Ecology:	Objection. It has not been demonstrated that the resulting development can provide the required 10% biodiversity net gain and secure it for the future of the site. Neither has it been demonstrated that protected species (reptiles, Slowworms and Great Crested Newts) would not be harmed as a result of the development.		
Newt Officer:	Holding Objection. The development falls within the green impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is suitable habitat and a moderate to low likelihood of great crested newt presence. There are 3 ponds within 500m of the development proposal with the closet being located onsite. We agree with the ecological information submitted and that as there is an onsite pond that may be impacted further eDNA surveys will be necessary to assess the presence or absence of great crested newts and if they will be impacted by the proposal.		

Trees:	Objection. It has not been demonstrated that the site can accommodate the level of replacement tree planting require by the Council's Trees and Development SPD to compensate for those it is proposed to remove.
Environmental Health (Noise):	Objection The revised acoustic assessment by Hayes Mackenzie dated 17th October 2024 demonstrates with the specified acoustic glazing and ventilation systems the internal daytime/nighttime levels are within BS 8233 with the windows closed. The ability to open windows for purge ventilation to the upper rooms may be compromised by lowering the height of the acoustic barrier, which will also increase the noise levels to the private amenity spaces to the upper recommended levels. Lowering of the barrier also increases the uncertainty of noise impact from adjacent commercial premises which may now be 16 dB above background; a significant adverse impact. The report does not address the lack of cooperation from Trans Ferry Ltd, thus together with the proposed lowering of the barrier increases the level of uncertainty; I cannot support the application regarding Environmental Noise Impact.
Environmental Health (Pollution):	Holding Objection. In summary, the submitted report is deficient in site-specific information, conceptual site model, and comprehensive preliminary risk assessment. Therefore, I am unable to support the application.
Highways:	No objection in principle subject to the site access being widened to allow two way traffic and landscaping kept below a metre at the entrance to maintain sightlines.

Site Visit:	Yes ☒	No ☐
Details: 24 th September – See separate photographs		

Policy:
National Planning Policy Framework (Dec 2024) 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, DM8, DM11, DM13, DM14, DM23, DM29 and DM30. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals, Trees and Development.

Assessment:
Context: Ropley is a two storey detached dwelling, dating from approximately the 1930s. The house is set back from Botley Road with a good size front garden. To the side is an attached single garage – which would be demolished as part of that proposed – with a long but narrow garden to the rear. The house appears to have been empty for some time and is in need to refurbishment, as is the rear garden which is very overgrown. Immediately to the rear of the house is a small pond.

The site fronts Botley Road to the north, with the former Moorgreen Hospital site opposite, which is now a residential development. Botley Road is the main route between Hedge End to the east and West End to the west. Immediately to the east of the site is a neighbouring residential property, the rear garden of which is also very overgrown and full of disused vehicles. Much of the shared eastern boundary is marked by large conifer trees, the majority of which appear to be outside the application site boundary.

To the southern rear boundary is a small area of woodland which appears to be within the control of the neighbouring sports and tennis club, with the Hampshire Cricket stadium beyond this. And to the west are a number of commercial sites which are currently used by haulage and vehicle rental companies, including a large garage/warehouse building which runs along much of the application site's western boundary.

This part of Botley Road is quite mixed in character, containing residential properties, former healthcare facilities, hotels associated with the cricket stadium, sporting facilities and industrial/commercial uses which have been present for many years and as such have no significant planning restrictions.

Proposals:

The application proposes the subdivision of the current plot into three, all accessed from the existing dropped kerb onto Botley Road. The existing dwelling would remain to the front, albeit's garage would be demolished to provide access to the rear of the site, where it is proposed to construct two further detached dwellings.

Policy & Principle:

The application site lies within the urban edge where the basic principle of development is acceptable. However, any formal approval is dependent upon how well that proposed is considered to accord with the relevant policies of the adopted Local Plan. In this instance the most relevant policies are considered to be DM1, DM8 and DM11.

Policy DM1 requires new development to be of a good quality and to take appropriate account of the site context and that of the surrounding area. It also requires development to enhance the amenity of existing and future residents, to minimise impact upon neighbouring uses and occupiers and where necessary to provide appropriate mitigation. It should not involve the loss of or damage to trees or other landscape features of value, and where necessary these should be replaced with features of an equivalent or enhanced value.

Policy DM8 relates to pollution and states that "Development susceptible to particular forms of pollution will not be permitted: a. where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects; or b. where it would inhibit existing economic or other activities giving rise to acceptable polluting effects." It also requires sites suspected of being contaminated to be remediated to an acceptable standard suitable for the nature of its intended end use.

Policy DM11 relates to issues of nature conservation and requires development to protect, conserve and enhance designated sites of nature conservation, biodiversity or habitat importance, and where necessary provide appropriate mitigation for the impact of the development.

In principle therefore, subdivision of the current site to provide two additional dwellings is acceptable. However, there are a number of concerns with that proposed which are set out below.

Form, Scale, Layout & Design:

The two new proposed dwellings would be two storey 'chalet' style properties with the first floor accommodation being mainly within the roof space. The dwellings would be finished in facing brick to the ground floor, with clad gables to all four elevations. The roofs would be finished in grey tiles or slates. In terms of their general form, scale and design, the

proposed dwellings raise no particular concerns, being generally subservient to the existing frontage dwelling, albeit both have a larger footprint. Whilst the design and appearance of the dwellings take no particular cues from existing surrounding development, this is not a concern given the generally mixed architectural character of the surrounding area.

In terms of the proposed site layout, the site access would be widened and a larger area of hardstanding created to the frontage to provide off-street parking for the existing dwelling to be retained. However, the current attached garage to the side of the dwelling would need to be demolished in order to provide vehicular access to the rear of the site. Despite the creation of a larger area of hardstanding, the existing dwelling would still have a reasonable size front garden, as is characteristic of properties fronting this stretch of Botley Road. To the rear, the area of useable rear garden space would be dramatically reduced, leaving a garden 9.0 metres deep. However, whilst less than the usually required ten metres, given the garden is south facing and relatively wide, it is considered that a reasonable area of garden would be retained, albeit out of character with the size of neighbouring gardens.

The access driveway would run immediately adjacent to the resulting eastern flank wall of the existing dwelling, bound on either side by 1.8 metre close board timber fencing with a widened passing place halfway along its length. This would lead to a sizable hardstanding area 15 metres in length and 7.5 metres wide, not including the dedicated pair of parking spaces for each proposed dwelling or the turning head at the end of the driveway. This large hardstanding area is a result of trying to provide sufficient separation between the front elevations of each dwelling to provide privacy. Although there is scope to provide some tree planting and landscaping to soften this frontage, the area of hardstanding is somewhat excessive and would not provide the most pleasant of outlooks for future occupiers.

The proposed middle plot would have no real front garden, with the view from its lounge being dominated by parking. To the rear would be a 12 metre deep garden, which meets the minimum garden depth set out in the Council's 'Quality Places' SPD for north facing gardens. Whilst impinged upon by the driveway passing place, the garden space created would be generally acceptable.

The southernmost plot would equally have a frontage dominated by parking, having no front garden, albeit would have a rear south facing garden which averaged 11 metres deep. However, there are some serious concerns as to the quality and acceptability of this garden space (see amenity section below). There are other amenity concerns relating to the distances between facing windows, which do not meet the minimum 'Quality Places' SPD requirements. However, it is accepted that these only just fall short of the standards and would not on their own be sufficient grounds to reasonably refuse the application.

In terms of the site layout, whilst the agent has done what they can, given the size constraints of the application site, it is the external site constraints outside of the applicant's control which cause the most concern (see below).

Street Scene & Area Character:

Although it is proposed to widen the existing site access, provide a larger area of frontage parking and demolish the existing dwelling's garage, the general appearance of the existing dwelling and in turn the street scene of Botley Road would not be significantly altered, and certainly not to any detrimental extent. Whilst a view down the new access drive would be visible from the street, the proposed new dwellings and their associated parking areas would not be easily visible from Botley Road.

Notwithstanding there would be little impact upon Botley Road, there is also an 'internal' street scene to be considered, i.e. the shared access drive and parking area. Whilst not a street, the visual quality and feel of the route required to access the proposed dwellings is nonetheless important. However, given the relatively narrow width of the application site, there is little room to provide an access any greater than the minimum width required for

building regulation purposes. This results in a very narrow access which would be bound on both sides by 1.8 metre high close board timber fencing along an approximate 30 metre length. This is only relieved by a widening of the access to provide a passing place halfway along its length. There is no scope to provide any form of soft landscape planting to provide visual interest or soften what would otherwise be a very oppressive approach for occupiers of the proposed dwellings. This would be further added to by the height and density of the conifer hedge which runs along much of the length of the site's eastern boundary.

In terms of the proposed development's impact upon the character of the surrounding area and the existing pattern of development, whilst subdivision of the site would go against the established pattern of development on this southern side of Botley Road between the neighbouring commercial uses to the west and hotel to the east, it is not considered that this would have any real impact upon the general character of the wider area. This is principally due to the secluded nature of the existing site.

Access, Highways & Parking:

Following comments from Hampshire Highways, the proposed site access has been widened to allow two way traffic to enter and exit at the same time. This should prevent vehicles having to stop on Botley Road to allow another out. It has also been requested that the height of landscaping be kept to less than a metre high adjacent to the entrance in order to maintain appropriate sightlines. This could be secured by condition.

In terms of highway impact, the number of vehicle movements associated with two new dwellings would be negligible in comparison to the number of daily movements along Botley Road. As such, there would be no adverse impact upon the local highway network.

The Council's 'Residential Parking Standards' SPD requires a minimum of two off-street spaces to be provided for the two proposed three bedroom dwellings, and three spaces for the existing four bedroom dwelling. The proposed site layout shows that all required parking spaces can be provided in convenient and useable positions. It also shows that there is space available for some occasional parking along parts of the shared access drive.

In these respects therefore, that proposed is considered to meet the requirements of Policies DM13 and DM14 of the adopted Local Plan.

Noise & Land Contamination:

Given the very close proximity of the neighbouring HGV garage and other commercial uses to the west of the site, the impact of noise disturbance upon future occupiers of the proposed development must be assessed. This is particularly so in this instance due to these neighbouring sites having no planning restrictions applied in terms of working hours or specific planning use due to the length of time these sites have been in operation.

Noise impact was a concern set out in the 2014 dismissed planning appeal, where the Inspector cited it as one of a number of concerns. Similar concerns have been expressed by the Council's Environmental Health Team who have highlighted that the noise impact assessment submitted in support of the current planning application demonstrates that without suitable mitigation, there would be a significant adverse impact from commercial noise upon the proposed development. Whilst mitigation is proposed in the form of an acoustic fence of between 2.5 and 4.0 metres in height along the length of the site's western boundary, it has not been demonstrated to the satisfaction of the LPA that this will be sufficient to provide adequate protection in terms of noise. Even if it could, the height and scale of the fence required raises other amenity concerns in relation to outlook. Equally, there are concerns that complaints from future residents could result in action having to be taken against neighbouring commercial companies who have a longstanding right to operate from their sites.

As the application stands, it has not been demonstrated that the amenity of future residential occupiers of the site would not be unacceptably impacted by noise from

neighbouring commercial uses. Therefore, the application is considered to be contrary to Policies DM1 and DM8 of the adopted Local Plan.

A further area of concern raised by Environmental Health is the potential for the site to be subject to land contamination. Whilst the application is supported by a basic contamination survey, this was only a walkover survey and did not include any intrusive investigations. Presently, it is not known if the site is in any way contaminated. However, given the very close proximity of a site which has been in industrial use for many years to one side, and the presence of numerous disused vehicles on the other, there is potential for contamination from these sites to have migrated onto the application site. Given the sensitive end use proposed, it is important for the LPA to have a reasonable idea of whether contamination is present and if so the nature of that contamination. Without any intrusive tests being carried out, it is not possible to properly assess any impact upon the site and what mitigation/remediation measures would be required.

Given these concerns, the application is again not considered to accord with the requirements of Policy DM8. As such, the lack of clarification in relation to land contamination will form a further reason for refusal.

Amenity:

Existing Neighbours:

In terms of the amenity of neighbouring residential properties, that proposed would cause no unacceptable loss of privacy, light or outlook. Whilst there would be a degree of disturbance during construction work, this could be controlled via suitable conditions restricting working hours, etc.

Use of the site for a slightly more intensive residential use should equally not result in any obvious harm to neighbouring commercial uses. However, as has been touched on above, there is the possibility that without adequate mitigation to protect future residential occupiers from noise, there is the potential for complaints against the companies. As such, there is the potential for that proposed to not accord with the requirement of Policy DM8 in that it "would inhibit existing economic or other activities giving rise to acceptable polluting effects."

Future Occupiers:

There are a number of areas of concern regarding the amenity of future occupiers of the proposed development relating to noise and disturbance, privacy, outlook and light.

The impact of noise disturbance from the neighbouring commercial uses has already been set out above. However, there are other potential sources of disturbance from the neighbouring use, such as light spill from the high-level windows in the flank elevation of the large garage, as well as dust, odours and fumes. The neighbouring site is currently used by a HGV haulage firm, who use the site to park and maintain their vehicles and trailers. The applicant states that the majority of activity is during daytime hours, thereby limiting impact upon neighbours. However, without any restrictions upon use of the site, there is nothing to prevent these activities from taking place at any point in time during the day or night or at weekends. Indeed, the submitted noise survey showed a refrigerated trailer generator being left running for most of the night.

Whilst mitigation has been proposed, it has not been demonstrated that any of these adverse impacts can be acceptably mitigated. As such, the application is considered to be contrary to Policies DM1 and DM8 of the adopted Local Plan.

In terms of privacy, as mentioned above, the proposed layout does not quite meet the 22 metre minimum back to back distance set out in the 'Quality Places' SPD between the proposed middle dwelling and the existing frontage dwelling. However, at 20.9 metres, it is not considered that any adverse loss of privacy would occur. This could be improved by moving the central dwelling southwards, but this reduces the separation distance between the frontages of the two new dwellings, leading to further privacy issues.

With regards to outlook, there are a number of areas of concern, principally but not entirely related to the height, scale and close proximity of the neighbouring HGV garage. This structure averages 4.5 metres high to the eaves and measures 50 metres in length from the rear northern elevation of the centrally placed dwelling to the southernmost tip of the site. In addition, the eaves height increases to 5.8 metres for the last 12 metre length of the building. The sheer size of this structure immediately along the western boundary of the site dominates the outlook from all three dwellings, but mostly that of the southernmost proposed dwelling. This is particularly so for its rear garden which would also be severely compromised by dense tree planting within the immediate neighbouring garden to the east and the wooded area to the immediate south, both of which would create significant shading of the garden space. In addition to this, and perhaps to an even greater extent, is further overshadowing which would result from the flank wall of the neighbouring HGV garage, which at this point is 5.8 metres high and runs the full length of the garden's western boundary. Whilst trees can allow a degree of sunlight to filter through, the garage building will completely block western sun, which together with the height and density of the trees just beyond the site boundary will result in a dark and uninviting garden dominated by the neighbouring structure.

The height and close proximity of the garage structure will also reduce light to the front elevation of the southern dwelling, as well as further impinge upon outlook from the front of both proposed dwellings. In addition to this, the potentially 4.0 metre high acoustic fence proposed to protect the development from neighbouring noise will itself impact upon the outlook from the dwellings, albeit it is proposed that this could be softened through growing climbing plants along it.

Whilst the application agent has done what they can in terms of the site layout, the neighbouring constraints surrounding the site are outside the control of the applicant, and it is these that principally cause the concerns in terms of adverse impact upon the amenity of future occupiers. As such, it is considered that the environment created for future occupiers of the proposed development would result in an unacceptable impact upon their amenity in terms of outlook, light, noise and disturbance and to a lesser extent, privacy. The application is therefore considered to be contrary to the requirements of Policies DM1 and DM8 of the adopted Local Plan, as well as the 'Quality Places' SPD. This will form the main reason for refusal.

Servicing & Drainage:

In terms of servicing the site, the site can be accessed by general delivery vans, etc. However, the access is not sufficiently wide enough or with sufficient turning area to allow refuse vehicles to enter and exit the site. As such, bin collection will need to be from Botley Road, where a communal bin collection point is shown, although this will require the occupiers of the southernmost proposed dwelling having to pull their bin 60+ metres to the collection point.

As for drainage, a simple percolation test has been undertaken which appears to demonstrate that surface drainage could use standard soakaway drainage.

Trees:

The Council's 'Trees and Development' SPD requires where possible all existing trees be retained. Where trees have to be removed, then proposals need to include suitable replacement tree planting, the number of which being dependent upon the quality of the trees being lost. Whilst in this instance there are no trees on site worthy of preservation orders, it is proposed to remove a significant number (23). Although the majority of these are lower grade category 'C' trees, the 'Trees and Development' SPD still requires new replacement trees on a 1:1 basis.

The updated site and landscape plan shows 23 replacement trees, which would meet the requirement of the SPD in terms of number. However, as it clarified in paragraph 4.2. of Appendix 1 of the SPD, "Where trees are proposed in unsuitable locations, and it is felt that their full potential is unlikely to be met, these trees will not be considered as replacements for trees lost. For example, trees proposed in unsuitable positions, rooting

medium, in containers, or within inaccessible locations (such as enclosed rear gardens) will not be considered under this policy.” At least 12 of the proposed replacement trees are located within the rear gardens of the two new plots, with others positioned extremely close to site boundaries or areas of hardstanding, where they are unlikely to be able to grow to their full potential. As such, it is not considered that the requirements of the SPD have been or indeed can be met due to the size and shape constraints of the site and neighbouring constraints, contrary to the SPD and Policy DM1. This will form a further reason for refusal.

In addition to the loss of on-site trees there are also concerns relating to those trees which form the eastern boundary of the site. The majority of trees along this boundary are within the neighbouring site, which raises two concerns. Firstly, given the height and scale of these trees, which are evergreen conifers, they will be very imposing upon the visual amenity of the application scheme. Whilst it is accepted that they would likely not impact light to either of the new dwellings, they will provide the surrounding setting for the development. It is likely that these will need to be significantly cut back or raised to provide access, which in the case of conifers always looks very untidy.

Secondly, due to the access road being placed along the eastern boundary, there is a strong likelihood that the roots to these conifers would be damaged no matter what construction technique is used for the access road. Whilst they are not protected by any preservation order, these are third party trees, and it still needs to be demonstrated that they will not be adversely harmed by the development.

It is the LPA's view that it has not been demonstrated that the level of tree loss proposed is required or that sufficient replacement trees can be accommodated to meet the 'Trees and Development' SPD requirements. Neither has it been demonstrated that neighbouring third party trees would not be damaged by construction of the proposed development. As such, the application is considered to be contrary to Policy DM1 of the Local Plan and will form a further reason for refusal.

Nature Conservation:

As is set out in the detailed response from the Council's Ecologist and the County Newt Officer, it has not been demonstrated that development of the site will not result in harm to protected species. The submitted ecological report shows that there is suitable habitat on site for newts and slowworms, but no further follow-up surveys have been undertaken to establish if these species are actually present. Without knowing whether they are or not means that a full assessment of the development's impact and what mitigation measure may be required cannot be undertaken. Given these are protected species, it would not be appropriate for the LPA to consider granting planning approval which could result in harm to them or their habitat. As such, the application is not considered to accord with the requirements of Policy DM11.

The proposed development is such that it falls within the requirement to provide a 10% biodiversity net gain which will be maintained and managed. Whilst the necessary matrix has been submitted with the application, there are a number of errors/discrepancies which will need to be corrected before an accurate figure can be calculated. Notwithstanding, there are strong reservations as to whether the proposed development can provide the necessary mitigation and improvement over the existing habitat which would be lost to make way for the development. Space which would become private gardens is not considered suitable to provide on-site mitigation, and given the modest space remaining for communal soft landscaping, it is questioned whether adequate on-site provision can be provided.

It is the LPA's view that it has not been demonstrated that the resulting development would not harm protected species which may be using the site, or that the necessary 10% biodiversity net gain can be achieved. As such, the application is considered to be contrary to Policy DM11 and this will form a further reason for refusal.

Recreational disturbance:

The site lies within the 13.8km catchment area for the New Forest Special Protection Area and within the 5.6km catchment area for the Solent Bird Aware Scheme. As such, mitigation is required for recreational disturbance upon the Solent and New Forest resulting from the development. The applicant can make use of the two relevant Council schemes. However, the necessary contributions have not been secured. As such, this will form part of a further reason for refusal.

Nutrients:

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

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

Habitats Regulations:

Any proposed residential development in this area will have a likely impact upon The Solent SPAs. As such, an Appropriate Assessment under the Habitats Regulations would need to be completed and forwarded to Natural England for comment were the application recommended for approval. However, as the application is to be recommended for refusal, no assessment has been undertaken, albeit the lack of securing appropriate mitigation will form a further reason for refusal should the planning application be appealed, thereby allowing the matter to be suitably addressed.

Climate Change:

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

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

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

No specific details of what sustainability measures would be incorporated within the proposed development have been provided. However, there is scope to simple measures such as PV panels, E-vehicle charging, etc to be included.

Equalities Implications:

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

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

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

Conclusion:

Recommendation:	PERMIT ☐	REFUSE ☒
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Whilst acceptable in basic principle terms, that proposed does raise a number of significant concerns in relation to the quality of environment created for future occupiers due to the impact of neighbouring development and constraints. There are also further concerns relating to trees and biodiversity. As such the application is recommended for refusal for the following reasons:

Amenity:

The proposed site layout fails to mitigate the oppressive effect of the adjacent commercial building and adjacent trees, which will adversely impact the outlook of future occupiers of the development and light to the proposed dwellings and their gardens. This together with the excessive amount of hardstanding will dominate the development, to the detriment of the amenity and quality of environment for future occupiers. As such the application is considered to be contrary to Policy DM1 of the Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.

Noise:

It has not been demonstrated that the amenity of future occupiers of the development would not be unacceptably impacted by noise and other forms of disturbance from neighbouring commercial uses, contrary to Policies DM1 and DM8 of the Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.

Contamination:

Insufficient information has been provided to demonstrate whether the application site is contaminated and if so the nature of that contamination, thereby preventing a full assessment of the potential risks to future occupiers of the development being undertaken, contrary to Policy DM8 of the Eastleigh Borough Local Plan 2016-2036.

Trees:

It has not been demonstrated that sufficient new trees can be accommodated within the resulting development to replace those to be removed in accordance with the Council's 'Trees and Development' Supplementary Planning Document, or that neighbouring trees would not be adversely harmed as a result of the development. As such, the application is considered to be contrary to Policy DM1 of the Eastleigh Borough Local Plan 2016-2036 and the above-mentioned Supplementary Planning Document.

Protected species and biodiversity:

It has not been demonstrated that the proposed development will not result in harm to protected species or their habitat. Neither has it been demonstrated that the development can provide a biodiversity net gain of at least 10%. As such, that proposed is considered to be contrary to Policy DM11 of the Eastleigh Borough Local Plan 2016-2036 and the requirements of Schedule 14 of the Environment Act 2021.

Nitrates and recreational disturbance:

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), and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policies DM1, DM10 and DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2023) and the Conservation of Habitats and Species Regulations 2017.