

BPS Design Consultants Ltd
Architectural Services and Structural Engineers



Revised Design & Access Statement

New Dwelling

**Swinley
Pylands Lane
Bursledon
Southampton
SO31 1BH**

Client: V Hoodless and C Hoodless

Date of Report: 8th January 2025

Prepared by: BPS Design Consultants Ltd
Seafields
Dodwell Lane
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1.0 Introduction

Instructions were received from V Hoodless and C Hoodless to prepare a planning application for a new dwelling in the rear garden of Swinley, Pylands Lane, Bursledon, Southampton, SO31 1BH.

2.0 Existing Site

The existing property has undergone some previous extensions and additions, and the newest applications are listed below: -

Planning History

Case Ref:	Proposal:
F/08/63591 - Swinley, Pylands Lane, Bursledon, Southampton SO31 1BH	Side conservatory - Valid date: 18/08/2008 - Type of Application: Full planning - Status: Decided - Decision: Permit - Decision Date: 07/10/2008

As section of the rear garden was sold off to facilitate the Barnfield Estate to the rear.

A recent application has been issued for the existing dwelling to raise the roof and extend to the side, with a major refurbishment, this was approved.

Case Ref:	Proposal:
H/24/97888 - Swinley, Pylands Lane, Bursledon, Southampton, So31 1BH	Raising of roof to create additional first floor accommodation, side infill extension, complete refurbishment of dwelling, alterations to all fenestrations. - Type of Application: House holder planning - Status: Decided - Decision: Permit - Decision Date: 19/09/2024

Following on from this an application was issued for a new dwelling in the rear garden.

Case Ref:	Proposal:
F/24/98257 - Swinley, Pylands Lane, Bursledon, Southampton, SO31 1BH	Erection of 1no. four bed two storey dwelling in rear garden with detached garage, amenity space, parking and shared access off Pylands Lane • Type of Application: Full • Status: Decided • Decision: Refused • Decision Date: 05/12/2024

The refusal points are detailed below: -

1. The proposed development, due to its scale, design and massing would create a dominant and incongruous feature detrimental to the appearance of Claypit Copse street scene and out of character with the prevailing pattern of development. As such the proposed development is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) , provisions within the National Planning Policy Framework and the Council's Quality Places Supplementary Planning Document.

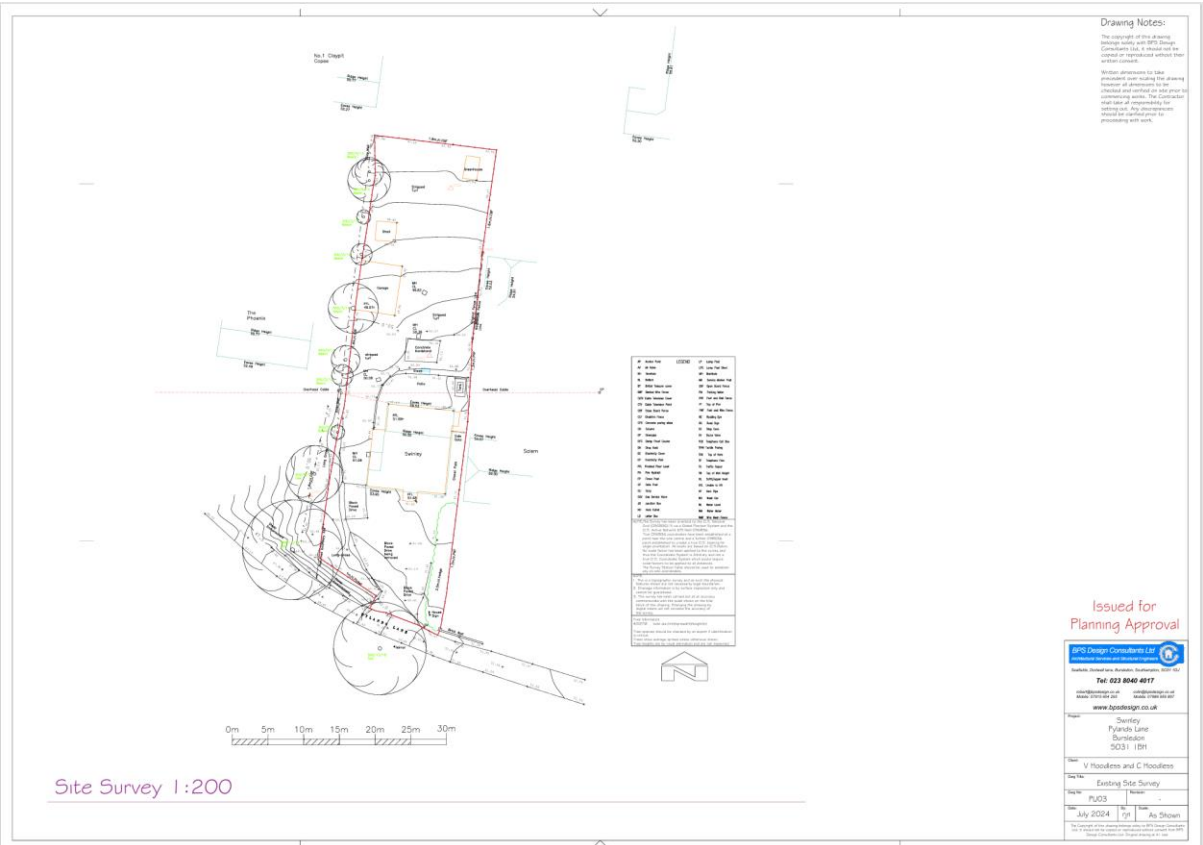
2. The proposed development would result in an excessive building bulk adjacent to an existing residential property, adversely affecting the outlook from, and light available to, the residents of 1 Claypit Copse. As such the proposal is contrary to Policy DM1 of the Eastleigh Borough Local Plan Review (2016-2036), provisions with the National Planning Policy Framework and the Council's Quality Places Supplementary Planning Document.

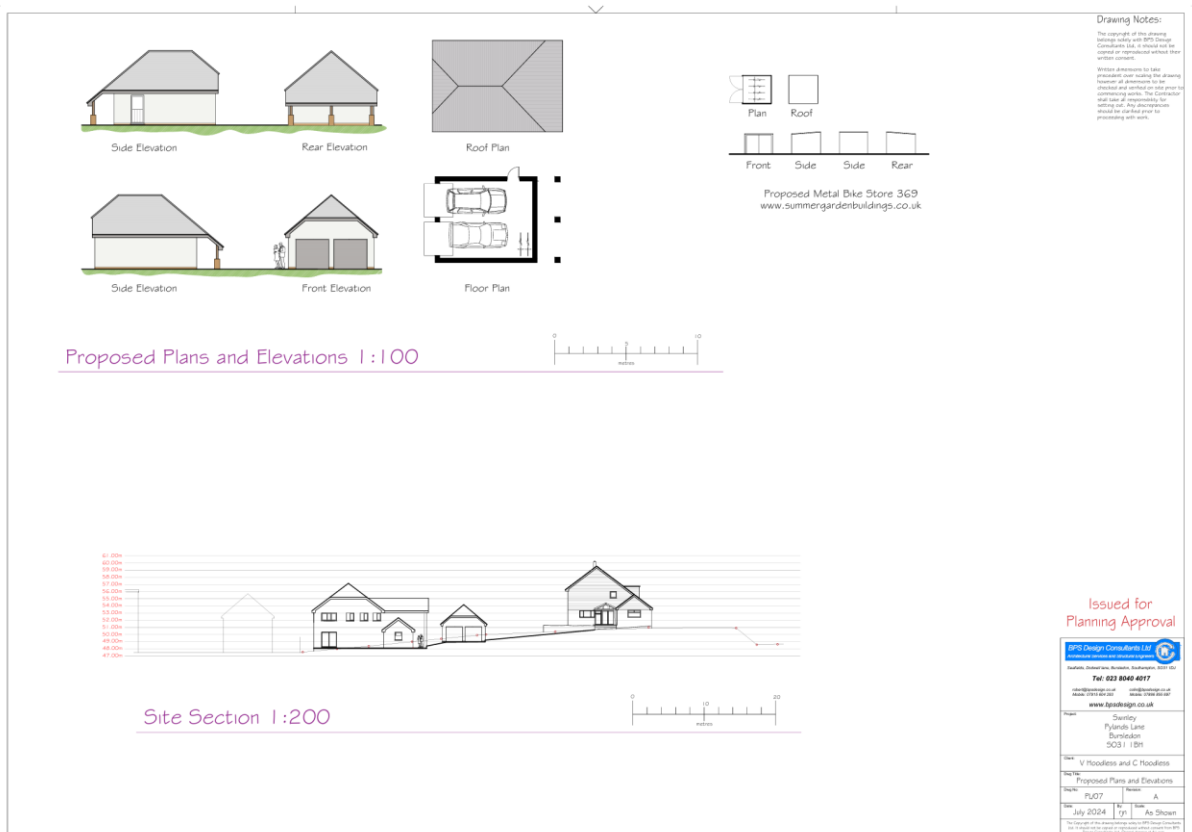
3. The proposed development, due to the lack of usable amenity space, would create a poor quality living environment detrimental to the amenities of its future residents. As such the proposal is contrary to Policy DM1 of the Eastleigh Borough Local Plan Review (2016-2036), provisions with the National Planning Policy Framework and the Council's Quality Places Supplementary Planning Document.

4. Insufficient information has been provided to demonstrate how the proposed development will achieve a biodiversity net gain. As such the development is contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework.

5. In the absence of mitigation, the development would fail to offset its impacts on the European protected sites from nutrient loading and recreational pressure. The proposal would therefore be contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) and The Conservation of Habitats and Species Regulations 2017.

Old scheme.





3.0

Revised Proposals

The refusal points have been considered, and we have altered the design. The proposed development has been significantly reduced in scale, the design is similar to the neighbouring properties in Claypit Copse therefore the massing would not create a dominant and incongruous feature which is detrimental to the appearance of Claypit Copse street scene and out of character with the prevailing pattern of development as it is similar in design. The design has been revised to make the dwelling blend with the Claypit Copse development so once built it would look like an original feature. As such the proposed development is not contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), provisions within the National Planning Policy Framework and the Council's Quality Places Supplementary Planning Document.

The proposed development bulk has been significantly reduced to match the neighbouring properties and the buildings position has been moved to remove excessive building bulk adjacent to an existing residential property. The Claypit Copse and the wider estate has very poor design regarding outlook and building bulk adjacent to neighbours, whilst we accept poor design should not be replicated it is interesting what the Local Authority has allowed to be approved, see the below images. No 39 Flank wall on a boundary, this is building bulk adjacent to a boundary and rear garden, how is this acceptable and not in conflict with Policy DM1 of the Eastleigh Borough Local Plan Review (2016-2036)



Looking at a flank wall is acceptable in this instance, but how?

Another example in Foster Copse where building bulk adjacent to neighbours boundary and shading of rear amenity space has been allowed.



The proposed revised dwelling in its new position and with its new size does not have excessive building bulk adjacent to a boundary and it does not cast any shadows on the neighbouring property. The neighbouring property is shaded naturally by the retained trees. The below image confirms the shading caused by the trees and its own fence/trees.

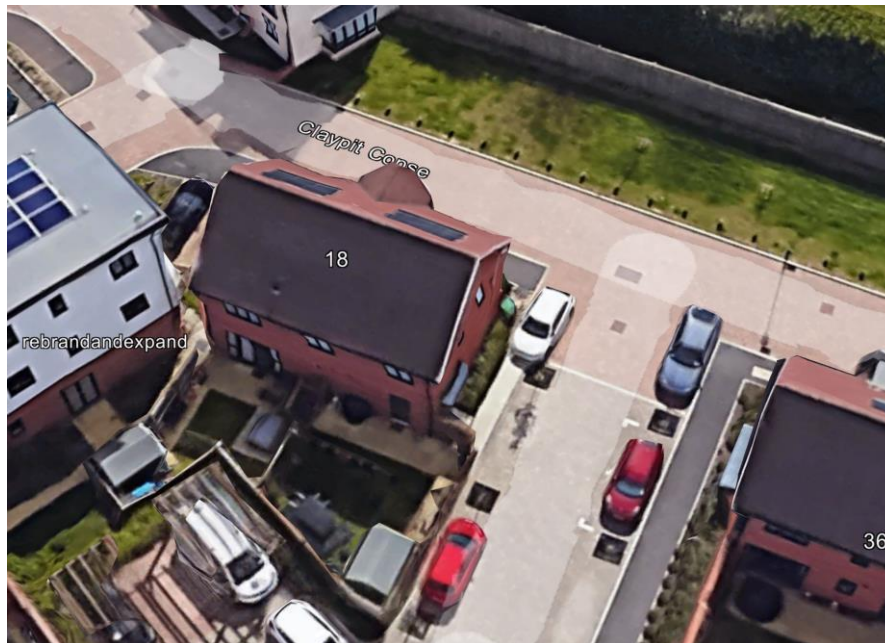


By looking at the shadow pattern it is impossible to conclude that the proposed dwelling would adversely affecting the outlook from, and light

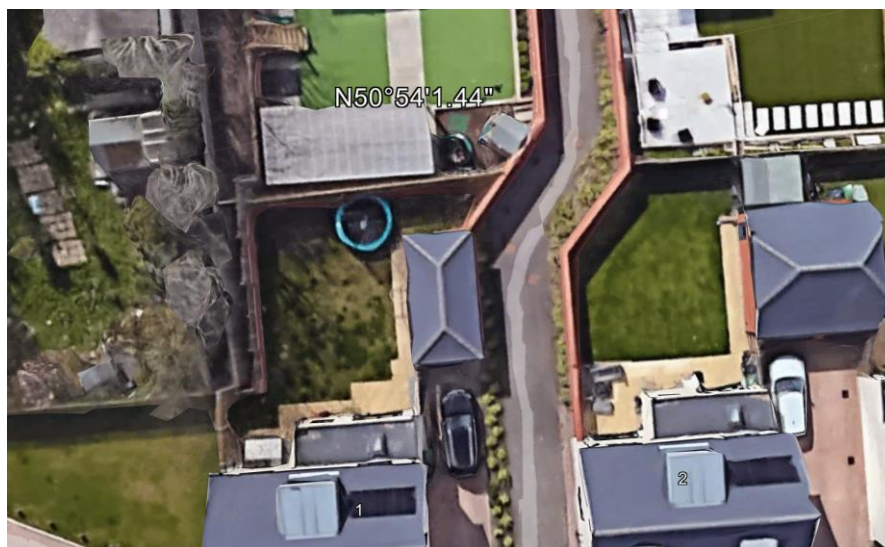
available to, the residents of 1 Claypit Copse. As such the proposal is not contrary to Policy DM1 of the Eastleigh Borough Local Plan Review (2016-2036), provisions with the National Planning Policy Framework and the Council's Quality Places Supplementary Planning Document.

The proposed developments amenity has been increased to exceed the 60% required, by virtue of reducing the building size. The amenity space is all South facing and once landscaped would create an enjoyable space for the residence which would allow them to hang out washing, have a patio area, lawn and cycle stores. The proposed amenity space is far superior to the neighbouring properties and the wider estate. Look at the below pictures to see what has been allowed and how cramped and overlooked the private amenity spaces are.





The above picture clearly shows a poor amenity space for No 18 Claypit Copse, whilst it might meet the 60% limit it is overlooked and cramped. It would be impossible to conclude that the proposed amenity space is less detrimental to the residents than this poor example, which is opposite the proposed site location.



No 1 Claypit Copse has a shaded garden due to the trees (retained) and is less in size than the proposed amenity space. It is easy to just look at garden area, but the proposed rear property has an extensive drive and detached garaging which adds to the amenity of its residence. Where in the Claypit Copse development is there any development comparable?

All of the proposed amenity space is usable and would be a bonus to this development where it would create high quality living environment that should be expected. The proposed amenity space is not detrimental to the amenities of its future residents. As such the proposal is not contrary to Policy DM1 of the Eastleigh Borough Local Plan Review (2016-2036), provisions with the National Planning Policy Framework and the Council's Quality Places Supplementary Planning Document.

Regarding a biodiversity net gain, the site is exempt under current legislation or is this being disputed? The legislation states the following: -

Self-build and custom build applications

You must meet all of the following conditions to qualify for an exemption as a self build or custom build. The development must:

- consist of no more than 9 dwellings
- be on a site that has an area no larger than 0.5 hectares
- consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 – self build development

The proposal is for 1 No dwelling, it is a self build, and the site is less than 0.5h, so therefore exempt.

Enhancements and reinstating the sites biodiversity have been proposed these include the following: -

- Native Hedge planting,
- Shrub planting,
- Retention of boundary trees,
- SEDUM roof to garage,
- Lawned areas,

The proposed drawings provide sufficient information to demonstrate how the proposed development will achieve a biodiversity enhancement but not a net gain as the site is exempt. As such the development is not contrary to Policy

DM11 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework.

Proposed revised layout.



We propose to use the council's mitigation schemes, to offset its impacts on the European protected sites from nutrient loading and recreational pressure. The planning officer confirmed these charges for the recreational element as below: -



15 November 2024

Ref: 2585

Contribution

Planning Application Reference: F/24/98257

Site Address: SWINLEY, PYLANDS LANE, BURSLEDON, SOUTHAMPTON, SO31

Proposal: Erection of 1no. four bed two storey dwelling in rear garden with detached garage, amenity space, parking and shared access off Pylands Lane

Gross Number of Units: 1 Net Number of Units: 1

Description (Rate Used)	Determined/Base Amount	Index Linked Amount	RPI Base Month	RPI Calc Month
Totals By Contribution Type				
New Forest Ranger (RPIx)	£41.07	£43.82	Nov 22	September 24
New Forest SANG (RPIx)	£1,968.24	£2,099.90	Nov 22	September 24
New Forest SANG monitoring (RPIx)	£9.13	£9.74	Nov 22	September 24
NF SANG Commercial Risk (RPIx)	£201.56	£215.04	Nov 22	September 24
SRMP (April 2024) (RPIx)	£1,029.00	£1,036.31	April 24	September 24
Upfront Payment Fee (No RPI)	£90.00	£90.00	Feb 23	September 24
Grand Total	£3,329.00	£3,494.81		

Please note that the followings fees are also applicable in addition to the amounts stated above.

Section 106 Agreement - Unilateral Undertaking - Up Front Payment
Starting from £1800 Ser fee of £350 £0

The above figures have been calculated using the most recent RPI/RPIx/PUBSEC figures available to us and are valid for 1 month

The applicant is happy to pay the appropriate fees for the nitrate mitigation scheme along with the recreational payment.

Once these are paid the proposal would therefore not be contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) and The Conservation of Habitats and Species Regulations 2017.

It is important to review the officers report as this often provides additional information that needs to be considered.

Response to Officers Report

The following report represents the Planning Officers views, and why the application did not gain Officer support. The points and concerns raised by the Planning Officer have been considered in detail and the revised proposed development has been amended to address these issues. Additional information has also been submitted and included with the revised application. By responding in red we hope to provide clarity on the issues raised and demonstrate that the revised application is now acceptable and should be supported. Comments are in red, officer comments and report in black.

DELEGATED OFFICER REPORT:

Application Ref: F/24/98257

Site Address: SWINLEY, PYLANDS LANE, BURSLEDON, SOUTHAMPTON, SO31 1BH

Case Officer: Clare Martin

Description: Erection of 1no. four bed two storey dwelling in rear garden with detached garage, amenity space, parking and shared access off Pylands Lane

Particular Site Constraints?	Yes ☒	No ☐
• Inside the urban edge • Within 13.8km New Forest recreational disturbance buffer • Within 5.6km Solent recreational disturbance buffer • Great crested newts – amber zone		

Planning History?	Yes ☒	No ☐
• H/24/97888 - Raising of roof to create additional first floor accommodation, side infill extension, complete refurbishment of dwelling, alterations to all fenestrations – Permitted (September 2024).		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
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Representations:	<u>6 letters of objection and 1 comment letter</u> • Overdevelopment, other dwelling have larger gardens. • Lack of car parking and amenity space. • Scale, massing, height and appearance of dwelling out of keeping with locality. • Loss of outlook, privacy and light to 1 Claypit Copse, the Phoenix and Salam • Loss of habitats and impact upon wildlife. Site has been cleared of vegetation and trees to make way for development. • Removal of the existing tree line on western boundary could lead to a loss of privacy and outlook for neighbouring properties as well as impact natural ecosystems. Neighbour at the Phoenix would not agree to tree loss. • Dwelling pushed hard against site boundaries with limited space for landscaping • Additional vehicles using Pylands Lane, which is a single lane road and site is on a blind corner on the brow of a hill. Construction vehicles would have difficulty accessing the site. • Pylands Lane is used by pedestrians to get to Manor Farm Country Park. <u>5 letters of support</u> • New dwelling would be in keeping with others in the locality. • Good use of space. • Create an additional family home. • The site has good access as noted within the Transport Officer's comments.
Transport Officer (HCC)	<u>Access and Highways</u> The access into the site is wide enough to facilitate 2-way movements which is welcomed as there will be no need for an accessing vehicle to wait on the highway should a vehicle be exiting the site at the same time. Additionally, the access width facilitates an informal passing place should opposing vehicles meet on Pylands Lane in the near vicinity. A formal bin collection point is also provided which will ensure the site access is not obstructed on bin collection days. <u>Layout</u> Internally, the site layout is acceptable with adequate parking spaces, laid out in a way that allows for easy on-site turning and forward gear access and egress, as well as adequate width for vehicles to pass each other. The revised scheme improves on the drive length and turning head. As no objections received no further action required and the proposed arrangements should be supported.
Ecology Officer	<u>Ecology - Objection</u> The DAS by BPS Design Consultants (July 2024) states The biodiversity on the site is very poor and as this will be a self build no further reports are required to demonstrate enhancement. This

	is not accurate. Even though 10% biodiversity net gain is not required, there must be no net loss of biodiversity and at least some net gain is required in accord with Local Plan policy DM 11 and NPPF paragraph 180. Agreed that 10% enhancement is not required. The reason that the ecology report is the same is because it is the same garden. The garden had already been cleared because the elderly owners had been unable to keep on top of the very large garden which had grown out of control and become unsafe for the grandchildren to play in. In addition to this the neighbour requested that the overgrown dead tree be removed on safety grounds. So in March 2024 the site and house were cleared. The applicant objects to the presumption that the garden was cleared to build a new house which is obvious from the planning timeline, the applicant had intended to redevelop Swinley and retain the garden for the use of Swinley and applied in July 2024 for a complete refurb and extension (which was granted in September 2024). After gaining permission and getting costs the applicant decided it was too expensive to continue with the works to Swinley. Since the site is large, it was obvious that an additional dwelling would fit in the rear garden. An application was submitted in September 2024 some six months later after clearing the site. The applicant therefore insists that they should not be accused of purposefully harming the environment just because they cleared the garden, so it was usable and safe to use for the users of Swinley. As stated in the local validation list: If habitat is cleared before an application is submitted, the baseline habitat value of the site will be taken to be its biodiversity value immediately before the carrying on of the activities, as per Schedule 14 of the Environment Act 2021. The removal of all vegetation from the site and the addition of a longer driveway, garage, parking area and a large house filling up most of the plot would represent biodiversity net loss using the pre-clearance baseline seen on the aerial photos. I have reviewed the Preliminary Ecological Appraisal (PEA) by Arbtech (July 2024) which was originally written and submitted for the previous application H/24/97888 (permitted on 19 September 2024). The applicant has applied for the self-build and custom build exemption from the 10% Biodiversity Net Gain requirement for this application on the basis that there is only one house, and the plot size is less than 0.5 ha. The plot size is listed as 0.11 ha on the application form and 0.13 ha in the PEA. The PEA report states that the site was cleared to bare ground at the time of the survey and the habitats on site had been removed. Aerial photos of the site show that before this clearance it was well vegetated with mature trees, smaller trees, shrubs, grass and several outbuildings on site. The report states that the habitats on site before clearance would have been classified as other
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	broadleaved woodland, line of trees, vegetated garden with lawn and non-native and ornamental hedgerow. Parts of the hedgerow were still present at the time of the survey, however many of the herbaceous species at the base were covered by a mound of soil from the site clearance. The tree line to the west of the site is/was connected to higher value habitats and would have provided habitat for foraging and commuting bats. Removal of these trees and the surrounding scrub vegetation destroys this habitat. This site is in an amber impact risk zone for great crested newts, with one pond approximately 210 m to the west, and another pond approximately 260 m to the southwest. There are records of bats in the existing dwelling (which would be affected by the previous application H/24/97888) and other records very close to this site, and records of common reptiles in the wider area. The PEA did not consider the potential for great crested newts or reptiles to be using this site, however if they had been on site they would have been affected by these clearance activities. The recommended habitat enhancements in the PEA were for the larger garden area in the previous application and were not written for this application. For example, the foreseen impacts section states the proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats, assuming retention of the treeline on the western boundary. It also states there will be no impacts to B2 which was true for the previous application, but which is proposed to be removed to accommodate this proposal. The tree survey by Hayden's (5/8/24) was also done after most of the site was cleared to bare earth as shown by the two photos on the plan. There was some vegetation remaining along the western boundary at the time of the tree survey, shown in red on the plan. The PEA report states that the hedgerows and trees on site (remaining on site at that time) provide opportunities for nesting, foraging, and breeding birds. This habitat is proposed to be removed according to the tree survey (as G001), but not according to the proposed block plan which shows retained trees in this area. The red line boundary in the Tree Survey Plan appears to exclude some of the existing trees on site and does not line up with the site boundary. Is this an error or has it been done intentionally, and to what purpose? This boundary line has been amended to reflect what is on the planning drawings. Should this application be considered for approval, a biodiversity enhancement and landscape plan will be required before determination. This must demonstrate how some biodiversity net gain could be achieved on site with the locations and specifications of proposed biodiversity enhancements. Enhancements have been included within the revised scheme, firstly the trees on the western boundary are being retained, secondly native beech hedging has been included on the northern
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	boundary and up the western boundary with further native hedging on the western boundary, thirdly a “SEDUM” roof has been proposed for the detached garage. <u>Surface Water Drainage – No objection</u> The Percolation Test Results by Mr Duddridge of Brockbuild Ltd (September 2024) demonstrate that the soil will drain sufficiently well for soakaways to be used. The DAS by BPS Design Consultants (July 2024) states that the driveways would be permeable block paving. Any soakaways must be located at least 5 m from any built structure and 2.5 m from a boundary. Surface water drainage features such as soakaways and pipes must be shown on a plan. As no objections received no further action required and the proposed arrangements should be supported.
Tree Officer	<u>No objection</u> – subject to tree protection plan condition The site is largely tree-free, with the only arboricultural features occurring to the west of the site on land between the site and the neighbouring residential property. For the most part, there will be no arboricultural impact, so long as there is adherence to the tree protection plan. However, a section of trees is due to be removed. These trees are not significant from a visual amenity perspective, having been historically pruned, but it should be noted that their removal will be subject to the permissions of the trees' owner. The trees on the western boundary are being retained, these have been severely damaged by the Bellway Homes Development in installation of the retaining walls along this boundary. As no objections received no further action required and the proposed arrangements should be supported.
Environmental Health:	<u>Noise – No objection</u> I refer to the application for a new house in the rear garden, referencing the BPS Design Consultants Ltd report of 22 July 2024 and comment on Environmental Noise Impact. The site is surrounded by residential dwellings and is accessed by a minor Road, the M27 being some distance away. As no objections received no further action required and the proposed arrangements should be supported. <u>Contaminated land – no objection</u> The application site is located immediately to the west of an area that that been identified as ‘suspected land’ and has the potential to have caused contamination of the ground. It is noted that the

	applicant has provided results of a single soil sample test without any further context (no sample description, depth or location where it was collected). No information is included in the application showing how land contamination risks have been appropriately considered. Whilst I do not object to the principle of the development, due to the end use proposed as residential with private gardens, I 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. As no objections received no further action required and the proposed arrangements should be supported. <u>Air quality – No objection</u> The proposed development does not represent a significant impact on air quality. Therefore, we have no objection on this regard. However, we stress the importance of adopting best practices and measures to safeguard air quality in the area. The developer should ensure that the proposed development aligns with air quality objectives during construction works, promoting a healthy and sustainable environment. This can be achieved by the submission of a CEMP. As no objections received no further action required and the proposed arrangements should be supported.
Natural England:	<u>Objection</u> - Eastleigh Borough Council's New Forest mitigation is not precautionary enough. There is no objection to the proposed nutrient mitigation or to the use of the Solent Recreation Mitigation Partnership for mitigation towards the Solent SPA. Clare Martin Email dated 15th Nov 2024 confirmed the following: - <i>"Hi Robert</i> <i>Sorry for the delay in responding to your email.</i> <i>We were expecting Natural England to object to the scheme as they don't think Eastleigh Borough Council's New Forest Mitigation Scheme is precautionary enough. However, the Council has the final decision as we are the determining body for the planning application.</i> <i>As requested, I have enclosed the contributions which would be required for your development. These only become payable in the event that the Council intends to grant planning permission, in which case we will contact you and an invoice will be raised. Unfortunately, there may be a delay of a week or two in determining the application as I have committee next week and there are a few other pieces of work I have to get done first.</i> <i>Kind regards</i>

Clare”

The following figures would be required to be paid to ensure this point is not a reason for refusal. As the Planning Officer was not going to support the application these payments were not formally requested. If they had of been then they would have been paid.



15 November 2024

Ref:- 2585

Contribution

Planning Application Reference: F/24/98257

Site Address: SWINLEY, PYLANDS LANE, BURSLEDON, SOUTHAMPTON, SO31

Proposal: Erection of 1no. four bed two storey dwelling in rear garden with detached garage, amenity space, parking and shared access off Pylands Lane

Gross Number of Units: 1 Net Number of Units: 1

Description (Rate Used)	Determined/Base Amount	Index Linked Amount	RPI Base Month	RPI Calc Month
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Totals By Contribution Type

New Forest Ranger (RPIx)	£41.07	£43.82	Nov 22	September 24
New Forest SANG (RPIx)	£1,968.24	£2,099.90	Nov 22	September 24
New Forest SANG monitoring (RPIx)	£9.13	£9.74	Nov 22	September 24
NF SANG Commercial Risk (RPIx)	£201.56	£215.04	Nov 22	September 24
SRMP (April 2024) (RPIx)	£1,029.00	£1,036.31	April 24	September 24
Upfront Payment Fee (No RPI)	£80.00	£80.00	Feb 23	September 24
Grand Total	£3,329.00	£3,484.81		

Please note that the followings fees are also applicable in addition to the amounts stated above.

	Section 106 Agreement	Unilateral Undertaking	Up Front Payment
Legal Costs	Starting from £1000	Set fee of £350	£0

The above figures have been calculated using the most recent RPI/RPIx/PUBSEC figures available to us and are valid for 1 month

Parish Council:

No objection

As no objections received no further action required and the proposed arrangements should be supported.

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 11th October 2024		

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), 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.

Assessment:
Principle The site is within the urban edge where the principle of development is acceptable, subject to the details of the proposal according with the relevant planning policies. Agreed that this area of land is acceptable for development. Character and Appearance Policy DM1 requires development to take full and proper account of the context of the site including the character and appearance of the locality, 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. While it is noted that there are some examples of garden developments within Pylands Lane, these examples tend to be on bigger plots, or the dwellings are of a smaller scale to the proposal. The plot size is comparable to the new houses at 1 to 3 Claypit Copse, but with a floor area of 215m plus a double garage the proposal is significantly larger than these properties. As a result, the dwelling appears cramped within its plot, with limited amenity space, and would be out of character with the prevailing pattern of development. This point has been acknowledged and the proposed dwelling has been significantly reduced in size to be more in keeping with 1,2 to 4 Claypit Copse. The new dwelling backs onto Claypit Copse where it sits alongside no's 1 to 3 and both its front and side elevations would be prominently viewed from the street scene. Rather than front onto and fully address Claypit Copse, the proposal turns its back on this area and presents a bland side and rear elevation to the road. The property does not compliment or reflect the scale, massing, design or features present on the neighbouring Claypit Copse houses and with its prominent position would appear incongruous within the street scene. The revised design addresses this by incorporating similar features as 1,2 and 4 Claypits Copse, as the property is neither in Claypit Copse of Pylands Lane a hybrid design has had to be considered. The proposed dwelling does not now turn its back to Claypit Copse it has now an open feel with screen planting to make it look like it was originally part of the Claypit Copse development. There building line is set back from the boundary to ensure no encroachment etc on land that is not owned by the applicant. The front of the property is with

the site boundary and is accessed from Pylands Lane via the new drive. This is the only possible arrangement for access. As the building is similar to the neighbouring buildings its appearance is considered to be acceptable.

Furthermore, the proposed two storey house is of a significantly larger scale than the adjoining Claypit Copse houses (which have a floor space of 162m²). This is most noticeable in its very deep side elevation with gable end, which at 15.7m is more than double the depth of the houses at no's 1 to 3. The effect is further exacerbated by the change in ground levels, which means the ridge height of the proposed dwelling would be higher than the neighbouring properties. The deep side elevations would also block out much of the attractive green backdrop when looking in a westerly direction along Claypit Copse.

Overall, it is considered that the scale, proportions and design of the proposed dwelling would appear incongruous and overly dominant within the Claypit Copse street scene and would dwarf the neighbouring houses at no's 1 to 3. As such the proposal is contrary to Policy DM1.

As can be seen from the revised plans the building has been vastly reduced in size and bulk, maintains the feel and look of Claypits Copse 1, 2 and 4, does not turn its back on Claypit Copse and is more in proportion with the street scene.

Residential Amenity

Policy DM1 stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents, particularly in terms of outlook, privacy, daylight or sunlight. Additional residential amenity guidance is provided within the Council's Quality Places SPD.

The house has been designed with its main first floor bedroom windows on the rear and eastern side elevations where it faces Claypit Copse street scene, thus providing a reasonable outlook without unacceptably impacting the privacy of neighbouring residents. The remaining first floor windows serve ensembles (which as secondary spaces could be obscure glazed) and there is one high level secondary bedroom window.

The main concern is the impact the proposed house will have on the outlook and light received by 1 Claypit Copse and to a lesser degree The Phoenix and existing dwelling at Swinley. The proposed house would be positioned to the east of no.1 garden and while it is set 4m back from the shared boundary with some degree of tree screening, its excessively large two storey massing would project the whole depth of the neighbour's garden.

As can be seen the proposed dwelling is now pull further way from this common boundary and has been reduced in bulk. The trees along this boundary provide a natural screen to mask the proposed dwelling when viewed from No 1.

In this position, the proposed two storey dwelling would create an imposing structure that would dominate the neighbours modest and already restricted rear garden. The dwelling would also reduce morning sunlight and overall daylight to both the neighbours garden and to some extent the rear windows nearest to the boundary. As such the scale and position of the proposed dwelling is considered to have an unacceptable impact upon on the amenity of 1 Claypit Copse and so would be contrary to Policy DM1.

The day light shadowing has been shown on the proposed plans and the proposed building will have no effect on day light or over shadowing. In fact, the garden to No 1 Claypit Copse is shadowed by the boundary trees and its own retaining wall.

The casted shadow from the proposed dwelling would shade only the triangular section of grass, which is already shaded by the existing fence.





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. In terms of external amenity space, Quality Places SPD requires all new residential developments to provide an outdoor amenity space of at least 60% of the dwellings floor space.

The proposal is for a two storey detached dwelling with a floor area of 215m². This meets the nationally described space standard of 97m² to 124m² for a four bed, two storey, dwelling. Externally, the outdoor amenity space is split between two small areas: one at the front of the site and a second at the western side of the house. The amenity areas total 117m², which is 12m² below the required 60% standard.

As well as being small, the external amenity areas would be heavily overshadowed and enclosed by the proposed two storey dwelling and other structures (i.e. the double garage on higher ground to the south or the existing boundary trees to the west). This will make both areas of the garden less appealing and thus reducing the amount of usable outdoor space. The proposal is contrary to the guidance within Quality Places SPD, which stipulates that garden sizes should be increased where impacted by excessive shading.

Overall, it is considered that the proposal fails to provide sufficient size or quality amenity space to allow its future residents to carry out normal domestic activities. For this reason, the proposal is not considered to create a quality living environment for its future residents and would therefore be contrary to Policy DM1.

The proposed layout now was sufficient amenity space totalling in excess of 60% for the floor area just between the proposed garage and proposed dwelling, the side garden has not been counted in this equation, if it is now included the amenity space required is more than sufficient and meets the policy, so not contrary to Policy DM1.

The amenity area for the existing dwelling has also been considered, but this just meets the 60% standard.

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 three usable on-site car parking spaces to be provided for a dwelling with four or more bedrooms.

The existing dwelling has three spaces in a parking area in front of the property, which meets parking standards. While the proposed dwelling has only two spaces within its double garage, the driveway is of a sufficient width to provide for an additional informal parking space. The wide driveway also allows for the on-site turning of cars so that they can enter and leave the property in a forward gear.

It is noted that nearby residents have expressed concerns about the restricted nature of Pylands Lane and the impact upon pedestrian safety. However, no objection has been raised by the Transport Officer who considers that the entrance arrangement allows for a car to pull into the site and an informal passing place to be created should two vehicles meet at this point along Pylands Lane. On balance, it is unlikely that additional cars generated by the single dwelling would have a significant impact on upon highway/ pedestrian safety or existing traffic movements along Pylands Lane.

As no objections received from the highways department no further action required and the proposed arrangements should be supported.

Biodiversity Net Gain

Although the proposal is not required to provide the full 10% biodiversity net gain (having a self-build exemption), it still needs to provide a biodiversity net gain as set out within Policy DM11.

Old aerial photos demonstrate that the site previously included other broadleaved woodland, line of trees, vegetated garden with lawn and non-native and ornamental hedgerow, including herbaceous species. The Preliminary Ecological Assessment notes that the site was cleared to bare ground at the time of the survey and the habitats on site had been removed before applying for planning permission. However, the baseline habitat value for measuring biodiversity net gain is the value immediately before site clearance is carried out (as set out within Schedule 14 of the Environment Act 2021).

The extent of the site clearance is disputed by the Applicant, who notes the site was tidied establish the site boundaries and not destructively cleared. However, it remains that the loss of vegetation will have had a negative impact upon the biodiversity value of the site, and as such an objection has been raised by the Ecology Officer.

It is also noted that the submitted preliminary ecological assessment was carried out for the previous planning permission to extend the existing house (H/24/97888). The recommended habitat enhancements were based on the property retaining the large garden area, which is no longer achievable as the existing garden will mostly be lost to the proposal with little space left over for biodiversity enhancements. It is therefore unclear how, or even if, the required biodiversity net gain can be achieved for the planning application. Due to this uncertainty, it is not possible to condition biodiversity enhancement information and the

proposal would be contrary to Policy DM11.

Biodiversity has been put back within this revised scheme, the trees on the western boundary are being retained, new hedging has been included, grassed areas and shrub planting is being put back, a sedum roof is now proposed for the garage.

Ecology and Trees

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, or on the local ecological network unless it can be demonstrated that a) there are no alternative solutions, b) the adverse impact are unavoidable, c) measures are taken to mitigate or compensate for the adverse effects. d) there is an overall biodiversity net gain.

Policy DM1 also requires development not to result in the loss or damage of important trees, of which further guidance is provided within the Council's Trees and Development SPD.

The proposal is within an amber impact risk zone for great crested newts (within 210 260m of ponds) and there are records of bats within the existing dwelling and close to the site. While the preliminary ecological assessment failed to provide information on great crested newts or reptiles much of this impact would have already occurred during the site clearance stage.

Limited natural features remain on the site, apart from a row of trees along the western boundary of which the section within the garden of The Phoenix is to be removed. While the Tree Officer has not objected to the removal of these trees from a visual amenity aspect, the trees are connected to higher value habitats. They provide habitat for foraging and commuting bats known to be in the locality and opportunities for nesting, foraging, and breeding birds.

The Applicant is open to retaining all of the remaining trees on the western boundary and the residents of The Phoenix are unlikely to consent to the tree removal in any case. Furthermore, it is not necessary for these trees to be removed to make way for the development and this could have been conditioned if the application had been recommended for approval. Providing the trees are retained, the proposal is unlikely to have a further impact on trees or ecology.

The trees are now being retained. Additional hedge planting has been proposed along the western boundary, this will enhance the sites ecology.

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. The driveway will use permeable block paving and percolation test results demonstrate that soil will drain sufficiently for soakaways to be used. The level of information is acceptable for the planning application and full drainage details would be conditioned had the application been approved.

Pollution

The proposed dwelling should not be unacceptably impacted by noise or air pollution and further investigation and assessment of land contamination could have been secured via condition. No objection has been raised by the Environmental Health Officers'.

Impact of SPA:

Recreational Disturbance

The site is within both the 5.6km catchment area for the Solent Special Protection Area and Ramsar Site and 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 Solent Recreation Mitigation Strategy (which manages visitors to the coastline) and 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 and no mitigation has been secured through a legal agreement.

Nutrients

The site is within the impact zone for nitrogen, which has been shown to have a determinantal impact on the water quality of the Southampton and Solent Water Special Protection Area through eutrophication. A nutrient budget has been submitted for the development, which shows a positive output for nitrogen. The Applicant intended to use the Eastleigh Borough Council scheme to mitigate this impact, had the application been approved. However, as the application has been refused the necessary mitigation has not been secured by way of a planning condition or legal agreement.

Conclusion

Due to the lack of mitigation for recreational disturbance and increase in nutrients the proposal is likely to have a detrimental impact on the Special Protection Areas.

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 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 plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts. The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036.

The NPPF, 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.

Proposed Revised Dwelling

Construct a new dwelling to the rear of the plot and provide detached garage with a shared driveway.

Since the construction of the estate behind the rear garden has become extremely over looked and not ideal for the residents of Swinley. By separating the site with a detached garage you get segregation and adequate space to provide 2 No dwellings on the plot.

The development of this back land would accord with all of the other back land developments along Pylands Lane. It makes sense to utilise this land for an additional dwelling.

Access to the site would be via the existing site entrance, leading to a shared drive and driveway to the rear property. The driveways would be permeable block paving.

Existing boundary trees exist, these are in a poor condition and an arboricultural report has been commissioned to confirm status and effect of development of tree health. The trees were poorly looked after when the Bellway Estate was constructed.

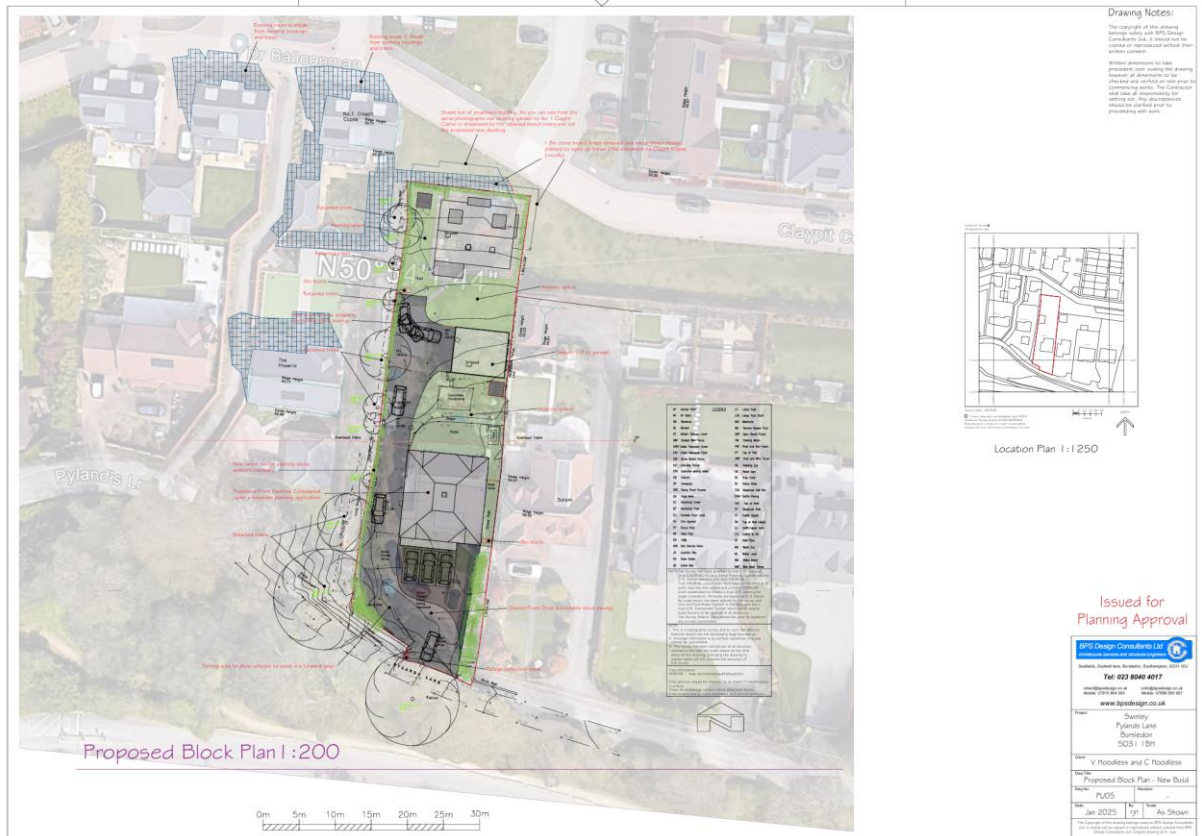
Both dwellings will have EV Charge points, Bat boxes, swift boxes etc.

Additional planting as been show to increase the biodiversity on the propsoed site.

Cycle stores will be provided to encourage use.

Bin collection point will be at the front of the property entrance as it is just now.





4.0 Summary

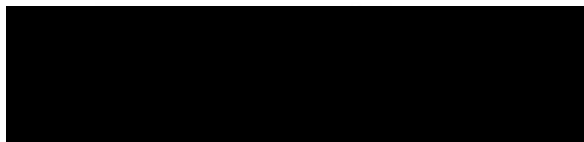
The new revised dwelling and suggested changes proposed are sensible for the location and local context. It will enhance the street scene and make the proposed plot more in keeping with the recently developed neighbourhood. The area has recently seen back land development all along Pylands Lane and major refurbishments to front retained properties.

Swinley has been left untouched, which has left it behind in terms of development and look. So it would make perfect sense to bring this property inline with the neighbouring properties along Pylands Lane, in terms of size, design style and materials and make use of the rear garden for a new dwelling.

The site is large and can accommodate these changes with ease.

The proposed dwelling does not now turn its back on Claypits Copse, and mimics the neighbouring properties we would consider these changes/additions to be acceptable and in keeping with all other local developments/building forms in the area.

Authorised for BPS Design Consultants Ltd, 8th January 2025



Robert Narramore IEng MICE
Managing Director