

DELEGATED OFFICER REPORT

Application Ref: F/25/98720

Site Address: 5 Sparrow Square, Eastleigh, SO50 9LB

Case Officer: David Huckfield

Description: Construction of 1no. 2-bedroom bungalow with parking and access from Robin Square

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within Established Residential Area Within the Aviary Estate Special Policy Area (Local Plan Policy E10) Within Zone of Impact of European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC and SSSI) and New Forest National Park (SPA, SAC and Ramsar sites)		

Relevant Planning History?	Yes ☒	No ☐
LDC/24/98182 – Lawful Development Certificate for a Proposed Use or Development: Erection of detached garden room – CERTIFICATE ISSUED 15/10/2024		

Site Visit:	Yes ☒		No ☐
Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations Received:			
One letter of representation has been received from the occupier of No. 83 Nightingale Avenue making the following comments on the application: <i>The plans indicate some proposed new ownership of the alleyway? We all have rear access for gardens and parking, and also refuse lorries collect bins from there. Noise and damage to the alleyway is a concern both during build and long term.</i>			
Consultation Responses (Summarised):			
Eastleigh Town Council	Eastleigh Town Council reviewed this application at its meeting on 5 February 2025. The council seeks clarification on the ownership of the alleyway and requests further information on this matter. Additionally, it has concerns regarding the design and its alignment with the special policy for Nightingale. As such, the council objects to the application.		
Ecology	This site is in an amber impact risk zone for great crested newts. There are records of bats, swifts, common reptiles, toads and hedgehogs nearby. The aerial photo of the site available on Google maps shows that there are three existing structures on site. To determine whether any surveys are required I need to review photos of these structures and any area of the garden which could be impacted by the proposal. The site area is 0.07 ha. The applicant is claiming the self-build and custom build exemption from the requirement of 10% biodiversity net gain. Biodiversity enhancements are still required in accord with Local Plan policy DM 11 and NPPF (December 2024) paragraphs 187d and 192b.		
Hampshire County Council Highways	In regard to application F/25/98720, as the application is for 5 dwellings or less, there is no required change of vehicle access onto the highway, and the development does not access directly onto a classified road, HCC's Highway Standing Advice should be referred to in the first instance. This can be viewed via the following link under the		

	heading Consultation with the Highway Authority - https://www.hants.gov.uk/transport/developers/consultation However, in regard to the application, having undertaken an initial review of the proposals, it is noted that the dwelling will be accessed off of a rear service road which runs between Robin Square and Sparrow Square, leading to a private driveway. The private driveway accommodates two vehicle parking spaces, as well as an area adequate for the turning of vehicles to enable forward gear access and egress. It is onwards presumed that bins will be collected from the site via refuse vehicles which currently access the rear service road for existing collections, however the Case Officer may wish to clarify this with the EBC Direct Services Team. It is onwards noted that a cycle storage unit is to be provided, which is welcomed given it will assist in the promotion of sustainable transport by facilitating a secure place within which residents can park their bikes.
Direct Services	No comments received.
Southern Water	<u>Connection to public sewer</u> Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: https://developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: https://www.southernwater.co.uk/developing-building/connection-charging-arrangements We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. <u>Proposed soakaways</u> The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.
Comment on representations and consultations received: With regards to the matter raised within the third party representation received and the Town Council's consultation response in respect of ownership of the alleyway, the inclusion of this within the red line for the application is such as to show the land required for access to the site from the highway (Robin Square). It does not, therefore, denote a claim to or change of ownership, with notice having been served on the highway authority as part of the application process and Certificate B having been completed.	

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), DM6 (Sustainable surface water management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development), E10 (Aviary Estate, Eastleigh).

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)
- Character Area Appraisal for Eastleigh (adopted January 2008). The site lies within the ELAC 24 Character Area with the appraisal document setting out the following principles for new development:
 - *The size, scale, architectural style, materials and detailing of any proposals closely reflects the character of the existing development; and*
 - *The open spaces identified on the proposals map are retained and their settings are not adversely affected.*
 - *In addition, it is recommended that the predominant plot width, continuity in building line, and semi-mature planting is maintained.*

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, 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:

Principle of development:

The site lies within the urban edge where the basic principle of development is considered to be acceptable. Any planning approval is, however, subject to the particular development proposal put forward being deemed to be appropriate and according with the criteria of the relevant local and national planning policies and associated supplementary planning guidance. The matters of material relevance to the application in these respects are considered below.

Assessment of proposals:

Policy DM1 of the Local Plan states that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area and the residential amenities of both new and existing residents. Policy E10 relates specifically to development within the Aviary Estate with this policy stating, *inter alia*, that development will not be permitted unless the size, scale,

architectural style, materials and detailing of the proposals closely reflects the character of the existing development. The Council's Quality Places SPD provides further guidance in support of Local Plan policy, with the adopted Character Area Appraisal for Eastleigh setting out development principles for this part of the Borough.

Sparrow Square forms part of the Aviary Estate, a former public housing development made up of a mixture of generally two-storey, semi-detached and short terraces of dwellings which are in the main set on fairly generous plots, and which have a number of rustic architectural features. The area has a particularly strong character due to the uniformity in building form and the geometric layout of the development and formal building compositions around open spaces, including at junctions and key route intersections. Whilst the estate is not atypical of the era in which it was built, it represents a particularly good example of public housing which has been largely unspoilt by inappropriate subsequent development or the loss of key open spaces. As a result of this, the Estate is designated as a special policy area within the Council's adopted local plan (the Eastleigh Borough Local Plan 2016-2036) to which Policy E10 applies, the requirements of which are set out above.

The application site comprises of the rearmost section of the private garden of No. 5 Sparrow Square, a semi-detached, two-storey dwelling set on a good-sized plot. The area within which the proposed property would be situated is currently in part laid to lawn with a small number of modest outbuildings being present. These include a single detached garage in the southern-most corner of the site to which access is provided via a service road which connects onto Robin Square to the south-west and Sparrow Square to the north-east.

This service road, along which the dwelling would be sited, very much reflects its intended function in terms of its width, layout and nature, with it being fairly narrow and currently serving to provide access to the back of dwellings and, in some cases, their ancillary garages and outbuildings, as is the case with No. 5 Sparrow Square. It is, therefore, presently devoid of any more substantive development including, notably, separate residential properties. Introducing a dwelling into this location would thereby be counter to the prevailing pattern of development within this part of the estate and would appear notably out of character with its surroundings.

This impact would be compounded by the incongruous single storey nature of the dwelling in an area of what are otherwise two-storey houses, as well as notably the smaller and more constrained plot layout than is conventionally the case in the locality, with properties generally being set on more generous plots with amenity space to the rear, and presenting an open frontage to the street scene. The proposed dwelling by contrast has a smaller and narrower amenity area sited to the side of the property, with the rearmost section of the garden of No. 4 Sparrow Square markedly interjecting into the site frontage, something which would serve to obscure much of its front elevation from the access road. This presents a particularly awkward arrangement and very much gives the impression of a dwelling being set within the garden of another property, as opposed to being a stand-alone residential development resulting from an appropriate method of subdivision.

Whilst the proposed dwelling, owing to its relative positioning, hipped-roof and single storey height, would not unacceptably impact upon the amenity of the occupiers of neighbouring properties, including No. 5 Sparrow Square itself, the quality of the amenity available to its future occupiers would be somewhat compromised. For example, and in respect of the internal environment, the light provision to the living room is not the most ideal given that the primary windows, whilst large, are to the northern side of the building with the smaller secondary windows to this open plan area (within the kitchen and dining space) likely to provide for limited light and outlook owing to their proximity to the site's boundary treatments, with the latter issue additionally affecting bedroom 2, despite its window being to the southern side of the property. The amenity space for the dwelling, whilst meeting the requirements of the Council's Quality Places SPD in respect of its overall area, is also, as noted above, narrow in terms of its shape with a significant proportion of it likely to be subject to overshadowing for large periods of the day given its

positioning to the northern side of the dwelling. Such factors are considered to be further indication of what would be an unduly and unacceptably cramped site layout.

In assessing the proposals, regard has been had to the fallback position of the Lawful Development Certificate which has been issued by the Local Planning Authority for a detached garden room at No. 5 Sparrow Square (Ref: LDC/24/98182) which would be of the same form and size of the bungalow now proposed, albeit in a slightly re-sited position. Whilst noting that this would thereby introduce a structure of similar scale and massing within a back garden setting, such a building would be for purposes that are incidental to the main existing property, the use, planning requirements and associated impacts of which would therefore be notably materially different to that of an independent dwelling. As such, it is not considered that LDC and the fallback position it provides for would justify the development that is now proposed as part of this application.

In addition, it is also noted that there have been other approvals in recent years for new dwellings elsewhere within the Aviary Estate which have arisen from the subdivision of plots. However, in each case and significantly, the siting and layout of these respective dwellings provides them with a much more open public frontage and a more conventional plot layout than would be the case with the development now proposed which, as noted above, would be somewhat cramped and significantly compromised by its positioning relative to the rear garden No. 4 Sparrow Square. Other recent examples are also some distance from Sparrow Square which, along with the immediate surrounding roads, remains devoid of such backland development and which thereby retain the original layout and pattern of development that is a distinctive characteristic of the Aviary Estate.

Overall, the proposals, owing to the cramped nature of the site layout and the inappropriate scale, design and siting of the proposed dwelling, are considered to represent an overdevelopment of the site which would unacceptably detract from the character of the area and fail to provide for an appropriate level of amenity for its future occupiers. In this regard, the application is contrary to the requirements of Policies DM1 and E10 of the adopted Local Plan and the provisions of the adopted Quality Places and Character Appraisal for Eastleigh SPDs, as well as those of Paragraph 135 of the NPPF.

Other material considerations:

Highway matters:

Policy DM13 of the Local Plan requires that all new development has safe and convenient access to the highway network and makes provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must meet national and local guidance and standards, not cause or increase danger to road users or impact detrimentally on highway safety, and be provided without unacceptable environmental impact. Saved Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted Residential Parking Standards SPD.

The site falls within an established residential area on the outskirts of Eastleigh and as such there are no concerns raised in respect of the location of the development or its connectivity by sustainable modes of travel. In respect of the access arrangements for the dwelling, this would be via a service road which is presently utilised for access to the rear of the properties within Sparrow Square and Nightingale Avenue, as well as, in some cases, their respective garages / outbuildings. Notwithstanding the character related concerns of introducing a dwelling along this route which are highlighted above, as well as noting its narrow nature, the service road does accommodate vehicular traffic and no objection has been raised by the Highway Authority to its usage for the development proposed given the limited level of movements likely to be generated, with turning space also being provided on the property frontage to allow vehicles to access and egress the site in a forward gear.

In addition to this turning area, two car parking spaces would also be provided for the new dwelling on a driveway area to the front, with this according with the requirements for a two-bedroom dwelling as set out within the Council's Residential Parking Standards SPD. In addition, cycle storage for the use of the residents of the proposed property would also be installed to its southern side, with this being both covered and secure, as well as of a sufficient size to accommodate the requisite number of cycles as stipulated within this SPD.

The loss of the existing garage to facilitate the development would potentially result in the loss of a single car parking space for the existing property on the site, No. 5 Sparrow Square, however and on balance, it is not considered that this would have a resulting highway safety impact that would be such as to justify the refusal of planning permission on these particular grounds. Given that the development would take away the potential for any rear access to No. 5, the likelihood of overspill parking onto the service road as a result of the loss of this space would be considered to be limited, and it was noted during the Case Officer's site visit that there is reasonable availability of on-street parking within Sparrow Square itself to accommodate the single displaced vehicle.

Taking account of the above factors, there is considered to be no conflict with the requirements of Policies DM13 and DM14 of the Local Plan or the Council's Residential Parking Standards SPD.

Ecology:

Policy requirements

Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, there is overall biodiversity net gain, and the benefits of the development clearly outweigh the adverse effects.

Protected species and Biodiversity Net Gain (BNG)

The Council's Ecologist has, within their consultation response, highlighted that there are features present on site that have the potential to be affected by the development (including existing outbuildings that are proposed to be demolished, along with the garden area of the dwelling) and that there are records of protected species in the area, with the site also lying within an amber impact risk zone for great crested newts. Whilst, as a self-build development, the application would be exempt from the 10% mandatory BNG requirement, nonetheless there remains a local and national planning policy requirement for the provision of ecological enhancements to achieve a biodiversity net gain. The Ecologist has advised that further information is therefore required in order to establish the extent of any survey work that may need to be carried out and the likely impacts of the proposals.

Natural England's Standing Advice for protected species stipulates that a developer should submit enough information to enable the Local Planning Authority (LPA) to fully consider the effect on protected species and their habitats and that surveys can be requested where there is suitable habitat on site. In this case, no ecological supporting details have been provided, and it is therefore considered that there is insufficient information to allow the LPA to fully consider the ecological effects of the proposals. As this is deemed to not be a matter that could be conditioned in the event that permission was to be granted, this will therefore form an additional reason for the refusal of planning permission with the proposals being in conflict with the requirements of Policy DM11 of the Local Plan and Paragraphs 187 and 193 of the NPPF.

Impact on European Protected Sites:

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact on any European protected sites and specifically in this case upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC and SSSI) and New Forest National Park (SPA, SAC and Ramsar sites).

HRA (Habitat Regulations Assessment) Screening was required for this development proposal as it falls inside the zone of impact of these designated sites and would result in a net increase in population. The screening concluded that the development could have a significant impact on the protected sites and the features for which they are designated through an increase in recreational pressure (in the case of the Solent Complex and New Forest sites), as well as from additional nitrogen and phosphate loading generated through leaching from additional sewage from the new housing in the case of the River Itchen and the Solent Complex. This has the potential to undermine water quality and restrict the growth, distribution and variety of food available for species designated under European law. These impacts are required to be mitigated as part of the development proposals.

The required mitigation has not been secured as part of the planning application and in line with Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, it is not considered necessary to proceed to the Appropriate Assessment stage as the Local Planning Authority, as the competent authority, are not minded to approve planning permission for the development. This matter will, however, form an additional reason for refusal of planning permission with the application being contrary to the provisions of Policy DM11 of the adopted Local Plan (which are considered to be consistent with Paragraphs 187 and 193 of the NPPF), and the Habitats Regulations.

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 and the adopted Local Plan 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 planning 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 adopted 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 the 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 had the application been recommended for approval, it is considered that the applicable sustainability requirements could have been adequately covered by condition. When considering the impact of climate change, therefore, 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.

Planning Balance and Conclusion:

The proposals would contribute one additional dwelling towards to the housing needs of the borough within what is a sustainable location. Whilst the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the harm identified to the European Protected Habitats Sites (Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC and SSSI) and New Forest National Park (SPA, SAC and Ramsar sites) provides a clear reason for refusal under Paragraph 11 of the NPPF, and the scheme would not therefore benefit from the presumption in favour of sustainable development.

Notwithstanding this and in any event, the contribution of a single dwelling to local housing stock is not considered to represent a sufficient benefit to outweigh the harm that has been identified to the aforementioned Habitats Sites, residential amenity, or the character of the area.

Overall, therefore, the proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. It is thereby recommended that planning permission be refused.

Recommendation:

PERMIT ☐

REFUSE ☒