

DELEGATED OFFICER REPORT:**Application Ref:** F/25/98851**Site Address:** SWINLEY, PYLANDS LANE, BURSLEDON, SOUTHAMPTON, SO31 1BH**Case Officer:** Clare Martin**Description:** Erection of 1no. five bed dwelling in rear garden with detached garage, amenity space, parking and shared access off Pylands Lane (re submission of F/24/98257)

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 ☐
• F/24/98257 - Erection of 1no. four bed two storey dwelling in rear garden with detached garage, amenity space, parking and shared access off Pylands Lane – Refused (November 2024) • 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 ☐
Representations:	<u>6 letters of objection & 1 comment letter</u> • Design not in keeping with the locality and is overly large. • Overdevelopment, with little space for landscaping. Insufficient parking and inadequate garden size. • Destruction of trees and plants through site clearance. Some trees owned by a neighbouring property and consent not given for their removal. Existing tree line should be retained to provide privacy for neighbours. • Need to protect wildlife • Loss of privacy & light from 1 Claypit Copse. Overshadow and be overbearing to the properties at The Phoenix and Salem. Overly dominant and loss of amenity to other dwellings. • The proposed ridge height would be taller than neighbouring dwellings, adding to bulk and massing of property and increasing the impact on neighbours. • Impact of extra vehicles from the development and approved extension to existing dwelling on Pylands Lane. Pylands Lane is narrow, single track, with blind corner and used by pedestrians to get to country park. • Pylands Lane unsuitable for construction traffic and HGV's. <u>5 letters of support</u> • Well designed new build, which is more in keeping with the rest of the road.		

	• Only plot that hasn't been upgraded. Other neighbouring plots have been developed why shouldn't this development go ahead. • Good use of land for a new family home. • Support Transport Officers view that site has good access.
Highways (HCC):	<u>No objection</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. 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. A formal bin collection point is also provided which will ensure the site access is not obstructed on bin collection days.
Trees:	<u>No objection</u> (subject to tree protection 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 an amenity perspective, having been historically pruned, but it should be noted that their removal will be subject to the permissions of the trees' owner.
Ecology:	<u>Biodiversity Net Gain - Comment</u> I have reviewed the additional biodiversity enhancements proposed for this self-build site. Although a biodiversity metric has not been submitted to demonstrate measurable net gain, in my professional opinion, and in this case only, and with these proposed enhancements, the site probably will deliver a minimal net gain which will satisfy the requirements of the NPPF and DM 11. The proposed enhancements are: 2 no. built in bat boxes, 2 no. built in swift nest boxes, 2 additional bird boxes, native hedge planting along the western boundary, additional beech hedges, removal of the closed board fence, additional areas of plants for pollinators, an additional area of flowering meadow grassland, changed the sedum roof to a biodiverse green roof ,2 no. stag beetle loggeries and donation of 10 trees to the Hampshire County Council tree planting programme. The planting specifications can be submitted before determination or can be conditioned. Consultation provides advice on location/ specifications of ecological enhancements. <u>Surface water drainage - Comments</u> The surface water drainage proposals from the previous applications were acceptable, however they have not been submitted for this application. Proposed soakaways and pipes must be shown on a plan.

	The extent and specification of permeable block paving discussed in the previous application must also be shown in this application. <u>Planning Officer Response</u> Comments regarding the design and scale of the dwelling, character and appearance of the locality, impact on neighbouring dwellings, landscaping, trees, ecology, site access, traffic and parking and amenity space are noted and these issues are considered within the assessment section.
Environmental Health:	<u>Contaminated Land – No objection</u> (subject to conditions) The application site is located immediately to the west of an area that has 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. The applicant has resubmitted the same soil test report without any additional context, which is meaningless for contaminated land assessment purposes. 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. <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.
Hedge End Town Council:	<u>Objection</u> - Overdevelopment. - Not in keeping with the street scene.

Site Visit:	Yes ☒	No ☐
Details:		

Pre-commencement Conditions:	Yes ☒	No ☐
Details: Received email from agent's approving pre-commencement conditions (1/4/25)		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"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."</i>

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:

Trees & Development, Quality Places and Residential Parking Standards.

Planning History and Proposal:

The proposal is a resubmission of a previously refused application for 1no. two storey detached house (measuring 10.5m(w) by 15.7m(d) and 8.7m(h)). The house was located in the rear garden of Swinley and accessed from Pylands Lane via a driveway running along the western side of the existing house. Parking was provided within a new detached double garage.

The application was refused due to the design, massing and scale of the house being out of character with the locality, harming the outlook and light available to 1 Claypit Copse, the lack of usable amenity space provided, the lack of biodiversity net gain, and the lack of mitigation for the special protection areas.

The current proposal alters the design of the proposed detached house so the living accommodation is split over two and a half stories and closely reflects the houses along Claypit Copse. The property has been reduced in size (measuring 9.9m(w) by 7.9m(d) by 8.5m(h), and the associated reduction in its footprint allows more of the outdoor amenity space to be retained. The scheme also provides details of biodiversity enhancements and there are mechanisms in place to secure mitigation towards for the special protection areas.

Assessment:**Principle**

The site is within the urban edge where the principle of development is acceptable, subject to the detailed matters according with the relevant planning policies.

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 compatible 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.

There are examples of infill housing close to the site and the proposed plot size is comparable to recent housing developments within the vicinity. The new dwelling backs onto Claypit Copse where it sits alongside no's 1 to 3 and both its front and side elevations will be prominently viewed from the street scene. The proposed dwelling is of a rectangular shape mostly covered in cream render with a central, flat roof, brown cladded entrance feature and matching lead dormer windows. Unlike the previous application, the

size and design of the property has been closely modelled on the neighbouring houses at no's 1 to 3 and this will enable the new dwelling to blend in with the existing character of Claypit Copse.

Amended plans have been received opening up the northern aspect of the property; adding an entrance door to the northern elevation; replacing the existing close boarded fencing around the existing garden boundary with low brick wall and black railings to match neighbouring properties; and hedging added to the sides of the property. In this way the property will fully address the Claypit Copse street scene and appear as if it was constructed as part of the earlier housing development.

In conclusion, it is considered that the proposal makes an efficient use of urban land without harming the prevailing character and appearance of the locality.

Residential Amenity

Policy DM1 amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

The two and a half storey dwelling will sit to the east of the garden of 1 Claypit Copse, where it will inevitably have an impact on the outlook and light received by this property and to a lesser extent other nearby houses. However, the size of the proposed house has been significantly reduced from the previous submission (halving its depth and slightly reducing its width and height) and the house is set between 4m and 5m off the shared garden boundary, so materially lessening its physical impact on neighbouring properties.

The proposed dwelling's main windows are located to the front (overlooking Claypit Copse street scene) or rear (facing the existing property at Swinley). While there is a significant ground level drop down from the existing property to the proposed house, the proposal is set over 25m away from the existing house (3m above the minimum 22m separation distance) and so the relationship between the two properties is considered acceptable.

The proposed house includes side facing windows, including some which face the garden of no.1. However, all the first and second floor side facing windows will be obscured glazed and serve secondary spaces and views from ground floor windows will be hidden behind boundary hedging.

The neighbour at Salem is also concerned about the proposed double garage being within 30cm of their side garden boundary, but it is not uncommon to find these sorts of structures within residential gardens and its position is not considered to have a significant impact.

Overall, the proposed dwelling is not considered to unacceptably affect the amenity of neighbouring dwellings (by way of a loss of light, outlook or privacy).

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 proposed dwelling has an internal floor area of 201m², which is double the minimum floor space required for a five person three bed roomed house under the national space standards. The outdoor amenity space provided for the new and existing dwelling is usable and meets the 60% minimum size standard. As such the proposal is considered to create a good living environment for its future residents.

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.

Ecology and Biodiversity Net Gain

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.

A preliminary ecological impact assessment has been provided, which outlines measures to ensure that the proposal does not have a detrimental impact on protected or notable species. This assessment, along with ecological notes on the site plan, also provides details of biodiversity enhancements. This includes the provision of bat & swift boxes, stag beetle loggeries, a green roof on the garage and new planting for pollinators. Although the proposal is not required to provide the full 10% biodiversity net gain (having a self-build exemption), the information provided demonstrates a biodiversity net gain as set out within Policy DM11. No objection has been raised by the Ecology Officer.

Trees

Policy DM1 requires development not to result in the loss or damage of important trees. Further guidance on this issue is provided within the Council's Trees and Development SPD.

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. Providing the development accords with the submitted arboricultural report and tree protection plan then there should not be any significant arboricultural impacts. No objection has been raised by the Tree Officer. However, the removal of any trees outside of the site will require permission of the tree owner.

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.

It is understood that permeable paving will be used as a form of filtration and surface water from soakaways will be collected within a submerged storage tank, which will slow down run off before being released. However, details of the extent and specification of permeable block paving haven't been provided and so this information will be conditioned.

Pollution

The application site is located to the immediate west of an area that has been identified as 'suspected land' and has the potential to have caused contamination of the ground. In line with the Environmental Health Officer's advice, a condition will be imposed requiring the investigation and assessment of land contamination, and appropriate mitigation provided.

The Environmental Health Officer is also recommending a construction management plan be submitted for air quality. However, most of the site has been cleared with limited demolition required for the development. As such it is not considered appropriate to condition dust prevention measures or further air quality information.

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 to these protected sites. To mitigate for these impacts the developer has paid a contribution 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 funds a ranger post within the New Forest).

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 River Itchen/ Southampton and Solent Water Special Protection Area. A nutrient budget has been submitted for the development, which shows a positive output for nitrogen. In response, the Applicant intends to use the Eastleigh Borough Council nitrates scheme to mitigate for the increase in these nutrients and this will be secured by a pre- occupation condition.

Habitat Regulations Assessment

An appropriate assessment under the habitat regulations has been completed for the development and Natural England have confirmed that the Council's nitrates mitigation is acceptable. Natural England are comfortable with the Solent Recreation Mitigation Strategy but have objected to the Council's New Forest Mitigation Strategy. However, the Local Planning Authority, as competent authority, is content that the New Forest Migration Strategy is acceptable and delivers the appropriate levels of mitigation. The formal twenty one day notification of permission has been given to Natural England and a condition has been added so that work does not start in this period.

On this basis the proposal is unlikely to have a detrimental impact on the Special Protection Areas, either in terms of recreational disturbance or an increase in nutrients.

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.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...