

DELEGATED OFFICER REPORT

Application Ref: F/25/99162

Site Address: LITTLEDEAN, BOTLEY ROAD, HORTON HEATH, EASTLEIGH, SO50 7DN

Case Officer: Rebecca Altman

Description: Proposed erection of detached 3.no bedroom bungalow, following removal of mobile home annexe (Resubmission of F/23/96539)

Particular Site Constraints?	Yes ☒	No ☐
• Urban Edge • Bishopstoke, Fair Oak and Horton Heath Character Area 26 • Airport safeguarding • Solent SPA catchment • New Forest 13.8km catchment • TPO trees along north-east boundary		

Planning History?	Yes ☒	No ☐
• F/23/96539 – proposed erection of detached three-bedroomed bungalow, following removal of mobile home annex – refused 7 February 2024 for the following reasons: 1 The proposals, due to the design and siting of the new dwelling, would go against the prevailing character and pattern of development within the locality and result in development that is out of context with the established grain of the surroundings, to the detriment of the character and visual amenity of this section of Botley Road. As such, the proposed development is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's Quality Places SPD (2011), and the provisions of the NPPF (2023). 2 The access shown on the proposed site plan is not considered to be wide enough to accommodate the proposed vehicle movements, which could result in vehicle conflict, thus the proposals would be contrary to Policy DM1, and DM13 of the Eastleigh Borough Local Plan (2016-2036) and the provisions of the NPPF (2023). 3 Insufficient information has been provided to demonstrate that the proposed dwelling and associated works would not have an adverse impact upon the nearby TPO'd oaks tree to the north-east of the proposed development. The proposals are therefore contrary to Policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016-2036), the Council's Trees and Development SPD (2022) and the provisions of the NPPF (2023). 4 The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen and phosphate loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2023) and the Conservation of Habitats and Species Regulations 2017. • LDC/23/95090 – Lawful development certificate for an existing use operation: stationing of a mobile home and its ancillary residential use associated with the main dwelling – certificate issued 7 July 2023		

The certificate stated: *The Council is satisfied based on the information submitted that the use described in the First Schedule relating to the mobile home at the land described under the Second Schedule is lawful because its use as ancillary accommodation is associated with the main dwellinghouse and would be part of the residential use within the same planning unit, and therefore would not constitute development requiring planning permission.*

- H/22/92974 – Increased dropped kerb – permission 9 August 2022

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	2 representations received in support of the proposal on the following grounds: • Support the proposal as an annexe development which should be functionally linked to the main dwelling; • Annexes bring positive benefits e.g. supporting multigenerational living, reducing burden on social care, providing affordable living and increasing housing capacity; • Use as an annexe could be successfully controlled by planning condition; • Better to see development in existing residential areas than on green land; • The scheme will improve the site and be more visually attractive than the mobile home; • The proposed garden will improve natural habitats; 4 representations received, raising comments and objections as follows: • No significant changes to overcome previous refusal relating to character and pattern of development; • No similar backland development on neighbouring properties; • Visually intrusive development; • Concern that future residents of a currently vacant neighbouring property will have no opportunity to comment; • Horton Heath is being over-developed; • Loss of outlook and views from neighbouring windows; • Light pollution to neighbouring windows; • Loss of light to neighbouring gardens due to increased height compared to the mobile home, and new vegetation; • Loss of privacy to neighbouring residents; • Negative impact on wildlife; • Concern about disruption during construction; • Concern that hedgerows may not be properly maintained; • Query as to where materials currently stored on site will go; • If permitted, controls would be needed to reduce construction noise and disruption, and further extensions to the property should not be allowed; • Concerns about potential contamination; • Previous garden was cleared and ground levels raised, altering the character of the site; • Negative impact on views from neighbouring properties; • Concerns that the bungalow, if permitted, could be increased in size in the future; • Concern about how surface water would be managed; • Existing surface water issues in neighbouring gardens; • Concern that neighbouring garden boundary is mis-represented (Collaroy); • Noise concerns from parking next to garden boundary.		

Parish Council:	No objection.
Ecologist:	No objection subject to conditions. Agreed that the loss of 3m² of garden lawn would exempt this application from the 10% biodiversity net gain requirement (de minimus). The habitat enhancements recommended in section 7.1 of the report are appropriate and can be conditioned in a landscape environmental management plan (LEMP). The protected species enhancements in section 7.2 and exterior lighting mitigation specifications in section 5.3.1 of the report are appropriate and can be conditioned in the LEMP. The two oak trees must be protected during the development. A surface water drainage plan can be conditioned.
Tree Officer:	No objection subject to condition. The site contains two significant trees to the rear of the dwelling, which are subject to a TPO. Following review of the arboricultural documentation, there are no significant concerns, subject to adherence to the recommendations of the report. Recommend condition to comply with arboricultural report.
Highway Authority:	No objection subject to conditions. The site is currently accessed via a triple width drop kerb vehicle crossover. This would be narrowed to a dual width access, which is acceptable in principle as it would allow for two way vehicle movements in an out. The redundant element of dropped kerb would need to be reinstated (informative). Hedging would need to be maintained at a maximum height of 1m to ensure visibility. It is anticipated that bin collections would be undertaken from the kerbside, which would be acceptable for one dwelling. It would be advisable to add a bin collection point to the plans to ensure they are not placed in an obstructive location on the highway. The on-site layout is acceptable with adequate space for parking and turning of vehicles. Conditions required for closure of redundant access, visibility splays, parking provision and construction management plan.
Environmental Health:	No objection subject to conditions. Contaminated land - There is the potential for contamination to exist on the site. No objection subject to conditions for a watching brief, and to ensure any imported soils are appropriate. A CEMP is also recommended to minimise pollution impacts during construction. Air Quality – No concerns but stress the importance of adopting best practice measures to safeguard air quality, which can be achieved through a CEMP. Noise – No concerns due to distance from Botley Road.
Natural England:	Further information required.

	The development has the potential to affect designated sites. A Habitats Regulations Assessment (HRA) Appropriate Assessment is required to assess impacts and mitigation.
Southern Water:	A formal connection would need to be made for connection to the public foul sewer. Informative required. Further advice provided regarding tree planting adjacent to Southern Water Sewers. Condition recommended for details of landscape proposals in the proximity of public water apparatus to be submitted and approved.

Site Visit:	Yes ☒	No ☐
Details: 23 April 2025		

Policy:

National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are S1 (Sustainable development), S2 (Approach to new development), S3 (Location of new housing), DM1 (General criteria), DM2 (Environmentally sustainable development), DM3 (Climate change), DM6 (Sustainable surface water management), DM8 (Pollution), DM11 (Nature conservation), DM13 (Transport), DM14 (Parking), DM23 (Residential development in urban areas), DM29 (Access standards), and DM30 (Internal space standards).

Supplementary Planning Documents:

- Quality Places SPD;
- Residential Parking Standards SP;
- Character Area Appraisal for Bishopstoke, Fair Oak and Horton Heath Character Area 26.

The guidance in the Character Area Appraisal states that new development should:

- Retain / reinforce the grass islands and associated coniferous and broadleaved tree planting;
- Mitigate the effects of heavy vehicular traffic on Botley Road; and
- Ensure that any backland development is subordinate to the existing development and serviced via a separate access road.

Assessment:

Site and proposal

The application site lies on the east side of Botley Road in Horton Heath. The site is occupied by a single-storey dwelling, which is set back from the road with a parking area to the frontage, and there is a mobile home to the rear which has authorised use as an annex to the main house. The mobile home is positioned adjacent to the southern site boundary. The front of the site is hard surfaced and has a wide dropped kerb vehicle access onto Botley Road. There is a gate to the north of the dwelling, which provides access to the rear of the site, which is also predominantly hard surfaced. There are two mature trees at the north-eastern end of the site, which are subject to Tree Preservation Orders.

Planning permission is sought for the construction of a single-storey 3-bedroom dwelling to the rear of the site, after removal of the mobile home. The new dwelling would be orientated with its frontage facing west and rear facing east. Parking would be provided for two vehicles to the front of the house, and a garden created to the rear with new

landscaping and tree planting proposed around the boundaries. Vehicle access to the new dwelling would be from Botley Road, with a driveway extending along the north side of the existing dwelling. Parking for the existing dwelling would be retained at the front of the site, and new hedge planting is also proposed along the frontage and new driveway.

The dwelling would measure 2.3m in height to eaves and 3.8m in height to ridge, and would have an overall internal floor area of approximately 76m².

Principle of the proposal

The site lies within the urban edge where new residential development may be acceptable in principle in accordance with Policies S3 and DM23 of the Local Plan, subject to assessment against all other relevant policies.

Eastleigh Borough Council is required to demonstrate a five year housing land supply in accordance with Section 5 of the National Planning Policy Framework. In accordance with the Council's latest calculations, the Borough can demonstrate 4.3 years worth of supply, therefore below the 5 year requirement. The proposed dwelling would therefore contribute towards the Council's housing land supply, although the contribution of one dwelling would only be considered as a modest benefit of the proposal.

Assessment against previous reasons for refusal:

1. Layout, design and impact on the character of the area

The first reason for refusal of the previous scheme related to the design and siting of the proposed dwelling, which was determined to be out of keeping with the prevailing character and pattern of development in the locality. The proposal was determined to have a detrimental impact on the character and visual amenity of the section of Botley Road in which it would be located.

In terms of the size, design and siting of the proposed dwelling, the scheme has not changed from that previously refused. The only changes that have been made to the layout are the provision of more landscaping along the site boundaries and driveway boundary.

In the submitted Planning, Design and Access Statement, the applicant has emphasised the Government's objectives for increasing housing provision and has made reference to a number of existing backland developments in the vicinity of the site. This includes a site immediately to the west of the application site, where a dwelling was built behind the frontage dwelling (permitted in 2005, ref. F/04/51542), and other sites further north along Botley Road where backland housing has been permitted (e.g. The Stables – 5 detached dwellings permitted in 2001, ref. Z/37647/000/00, and Benhaven, new backland dwelling permitted in 2004 ref. Z/40212/000/00). Each of these has varying levels of visibility from Botley Road depending on their level of set back, extent of boundary treatment and the size of the frontage dwelling. Regarding the example opposite the application site to the west, the pattern of development is quite different here with existing dwellings to the south already set further back from Botley Road than those to the north. The backland dwelling on this site therefore appears more in keeping with the pattern of development on the west side of Botley Road.

Whilst it is acknowledged that existing examples of backland development exist in the locality, the pattern of development immediately north and south of the application site on the east side of Botley Road is that of frontage dwellings with large rear gardens and associated outbuildings at the rear rather than separate dwellings. When travelling south along Botley Road, the existing mobile home at the rear of the site can be seen between housing, although its position adjacent to the southern boundary means that the existing dwelling screens it to a large extent. As the proposed dwelling would extend across the width of the plot and would be larger than the mobile home, it is considered that it would be more visually prominent in views from Botley Road. Given that there are no other

examples of such large buildings to the rear of the existing properties adjacent to the site, it is considered that the development would appear out of keeping with the existing pattern of development and harmful to the character of the area. Whilst the proposed landscaping in the revised scheme would help to enhance the site overall, it would make little difference to the impact on the character of the area. Therefore, in summary, as no changes have been made to the size or siting of the proposed dwelling, the first reason for refusal has not been addressed.

In terms of elevational design, the proposed dwelling would be single-storey and the submitted design statement indicates that it would be constructed of red/brown brick with a plain tiled roof. This would give the dwelling a complimentary appearance to that of the existing dwelling on the site and in design terms alone would be considered acceptable. However, the general acceptability of the design does not outweigh the harm identified to the character of the area.

2. Access

The site is accessed from Botley Road and there is currently a triple width dropped kerb into the site. For the previous application, the plans had shown the existing dropped kerb access to be reduced down to single width and the Highway Authority had raised concerns about conflicts with vehicles entering and leaving the site and the potential for vehicles having to wait on Botley Road. This led to the second reason for refusal of the previous scheme. For the current application, the proposed dropped kerb access is shown to be reduced to a width that would allow two-way vehicle movements and this is now considered acceptable by the Highway Authority. The second reason for refusal has therefore been addressed.

The Highway Authority has requested conditions to ensure that the access is constructed as per the proposed plans with adequate visibility and for the provision of a Construction Management Plan to minimise impacts during construction. The redundant section of dropped kerb would also require reinstating which would require separate consent from the Highway Authority. Had the proposal been considered acceptable, these points could be addressed by condition.

3. Tree protection

The third reason for refusal of the previous scheme noted that insufficient information had been provided to demonstrate that there would be no adverse impacts on protected trees. This was due to the absence of any tree survey or impact assessment. The current application is supported by an Arboricultural Survey, Impact Assessment and Method Statement. This has been reviewed by the Council's Tree Officer, who has confirmed no objection subject to the recommendations of the report being adhered to. The recommendations include the installation of tree protection barriers during construction and specific methods for hard and soft landscaping to prevent damage to trees. Therefore, subject to adherence to the recommendations of the Tree Report, the third reason for refusal of the previous scheme has been addressed.

4. Impact on European designated 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 upon any European protected sites. In this case the impacts would relate to increased recreational pressure and increased nutrient loading (nitrates and phosphates) on the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). Without appropriate mitigation to offset the impacts, the development would be considered to result in an adverse impact on protected sites and this was the basis of the fourth reason for refusal of the previous scheme.

Recreational impacts:

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to the coastline through careful management. For a 3-bedroom dwelling, the required financial contribution would be £907.

Natural England has also raised concern with regard to new residential development within 13.8km of the New Forest, in terms of increasing recreational pressure on this protected area. The Council has a mitigation scheme to offset the impacts on the New Forest, which the applicants could contribute to. This would amount to a financial contribution of £2,220 for a single dwelling.

Nutrients:

In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste-Water Treatment Works which discharges into the river network and so causes eutrophication affecting the features for which it is designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and removes these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with funding being secured during the planning application.

In addition to the above, Natural England has also highlighted that residential development within a certain catchment of the River Itchen (SAC), and served by the Chickenhall Lane Waste Water Treatment Works, can result in phosphate loading resulting from additional sewage generated from future residents. The Council has 'phosphate credits' available to offset this impact. The site falls just outside of the Itchen catchment, but is served by the Chickenhall Waste Water Treatment Works and therefore phosphate mitigation is considered necessary.

The applicants have submitted a Nutrient Assessment and Budget with the application. This calculates the increased nitrate load at 0.91kg TN/yr and the phosphate load at 0.02kg TP/yr (post 2030). The pre-2030 calculation is 3.16 kg TN/yr for nitrates and 0.07 kg TP/yr for phosphates. The applicants have expressed their desire to utilise the Council's mitigation scheme for phosphates and either the Council's scheme or a similar off-site scheme for nitrate mitigation.

Mitigation:

The mitigation for recreational impacts could be secured by way of a direct payment for the financial contributions, or a legal agreement, and the nutrient mitigation could be secured via condition or legal agreement.

It would also be necessary to agree the mitigation proposals with Natural England through submission of a Habitats Regulations Assessment Appropriate Assessment.

However, at this stage, as the proposal is determined to be unacceptable, the appropriate assessment has not been undertaken and the mitigation has not been secured. This reason for refusal therefore still applies.

Other matters:**Space and accessibility standards, and garden size**

The dwelling would have an internal floor area of approximately 76m², which would just exceed the minimum size standard set out in the Nationally Described Space Standards for a 3-bedroom, 4 person dwelling. The proposal would therefore accord with Policy DM30 of the Local Plan.

Policy DM29 of the Local Plan requires new residential dwellings to meet Part M4(2) standard for accessible and adaptable dwellings. No details are provided to confirm if the dwelling would meet these standards, but this is something that could be confirmed / secured by condition.

The Council's Quality Places SPD sets out guidance that garden sizes for new dwellings should be at least 60% of the floor space of the dwelling. In this case, the dwelling has a floor area of around 76m² and the garden size measures from the plan at over 300m², therefore exceeding the Quality Places guidance. The retained garden for the existing dwelling also appears to meet this guidance and it is considered that a good level of garden amenity would be provided for both the existing and proposed dwellings.

Parking and refuse storage

Parking would be provided for 2 vehicles for the new dwelling, which accords with the Council's Adopted Parking Standards. Space would also be retained at the front of the site for parking for at least 3 vehicles for the existing dwelling, which is also acceptable. The Highway Authority has confirmed that the parking area layouts are acceptable in terms of size and turning space.

The Highway Authority has commented that bin collection from Botley Road is likely to be acceptable, but has recommended that a bin store area is shown on the plan. The applicant has confirmed that bins would be stored to the rear of the dwelling and moved to the Botley Road frontage on collection day. If the scheme were to be acceptable in other respects, the provisions for bin storage / collection points could be confirmed and secured by condition.

Impact on neighbouring amenities

The size and location of the proposed dwelling has not changed since the previous scheme, and it was determined at that time that due to the single-storey height and the separation distances between the proposed and existing dwellings, it would not have an adverse impact on neighbouring residents in terms of loss of outlook, light or privacy. This remains the case, and a summary of the assessment is set out below.

The nearest neighbouring property is Old Orchard to the north of the site, and there would be a distance (at an angle) of approximately 17m between the living room window of the new dwelling and the rear elevation of this neighbouring property. Although the new dwelling would be close to the northern boundary, given the single-storey height, intervening boundary treatment and outbuildings, it is not considered that the residents of Old Orchard would be adversely impacted by loss of outlook, light or privacy from the development.

To the south, the new dwelling would border part of the garden boundary of two properties, Collaroy and Strathallen. Strathallen is the second property to the south and has a large garden with the northern end abutting the application site. Whilst views from the garden would be altered by the proposal, due to the single-storey height of the proposed dwelling, the proposed boundary treatment and the distance from the property at Strathallen, it is not considered that the amenity impact on these residents would be significant. In relation to Collaroy, there would be a distance (at an angle) of

approximately 19m between the nearest window on the proposed new dwelling and the rear conservatory of this neighbouring property. Due to the orientation of the new dwelling to the north of this neighbour, and taking account of the single-storey height, proposed boundary planting and separation distance, it is not considered that these neighbours would be adversely impacted by loss of outlook, light or privacy. It is also noted that the existing mobile home currently extends along more of the southern boundary than the proposed new dwelling.

Concern has been raised in representations about noise impacts on neighbours from parking adjacent to the southern boundary. Whilst the proposed parking spaces would be close to the southern boundary, they would be set in behind new boundary planting and given the likely low level of vehicle movements it is not considered that noise levels would be significant.

To the rear (east) of the site, there would be a separation distance of around 30m between the rear elevation of the proposed dwelling and the rear of the nearest property in Epsom Close. This level of separation is appropriate to prevent adverse loss of privacy, and the proposed new boundary planting along the northern and eastern boundaries would also help to further reduce impacts of overlooking to the east.

Overall it is not considered that the amenities of neighbouring residents would be adversely affected by the proposal, and a suitable level of separation would also be achieved between the new dwelling and the existing dwelling at Littledean.

Ecology

The application is accompanied by an Ecological Impact Assessment (EIA), which concludes that the existing site has limited ecological value and that the presence of most protected species is unlikely. The existing trees on the north-east side of the site offer potential habitat for nesting birds, although are considered of low suitability for roosting bats. The report recommends that any external lighting is designed to be either motion sensed or of a low level of luminance and directed away from the trees to protect their habitat value.

The proposal is exempt from the requirement for 10% biodiversity net gain as the scheme would affect less than 25m² of existing habitat. The proposed new landscaping on the site would, however, achieve biodiversity enhancements and the Council's Ecologist is satisfied with the habitat enhancement proposals and recommendations set out in the submitted Ecological Impact Assessment. Therefore, subject to adherence to the recommendations of the EIA, the proposal is not considered to result in an adverse impact on protected species or habitats, in accordance with Policy DM11 of the Local Plan.

Pollution – Contaminated land, noise and air quality

Land contamination – The Council's Environmental Health Officers have commented that there is some potential for contamination on site from past demolition of structures, and due to the sensitive end use, it is requested that a watching brief is undertaken and specific procedures put in place if contamination is found. This could be secured by condition. Conditions are also recommended to ensure that clean imported soils are used, and to require a Construction Environmental Management Plan to minimise pollution during construction works.

No concerns have been raised about road noise on future residents due to the distance between the proposed dwelling and Botley Road.

The site does not lie within an Air Quality Management Area and due to the small scale of the proposal, it is not considered to result in adverse impacts on local air quality.

Drainage

No drainage details are provided on the plans or in the Planning Statement, but the application form indicates that drainage would be dealt with via soakaways. Should the scheme have been considered acceptable in other respects, full drainage details could have been requested and secured by condition.

Climate Change and sustainability

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

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

The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. Whilst no specific details have been provided in relation to sustainability measures in the proposed design, it is likely that a new dwelling would incorporate high levels of insulation and energy efficient appliances. A condition could also be imposed to ensure that water efficiency is achieved in line with the requirements of Policy DM2. On this basis it is considered that the proposal would accord with climate change objectives.

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 National Planning Policy Framework sets out a presumption in favour of sustainable development. Paragraph 11 states that for decision making this means:

- c) approving development proposals that accord with an up to date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As the Council cannot demonstrate a five year housing land supply, paragraph 11(d) is applicable to this decision making process.

The proposal is for the replacement of a mobile home annex with a new 3-bedroom dwelling in a backland location. Whilst the site is within an existing urban area where there is general policy support for new development, the proposal in this instance is considered to be out of keeping with the pattern of surrounding development and harmful to the character of the area. The benefits achieved from the addition of one new dwelling to the Council's housing land supply are not considered to outweigh this harm. It is acknowledged that the proposal would also provide benefits to biodiversity and some visual improvements through the provision of new garden areas and landscaping on a site that is currently mainly hard surfaced. However, it is considered that such improvements could be achieved at any time on the site without the provision of a new dwelling. These benefits are also not considered to outweigh the harm identified to the character of the area. The proposal is determined to be contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

Due to the absence of mitigation to offset impacts on European protected sites, the proposal is also contrary to Policy DM11 of the Local Plan and the Conservation of Habitats and Species Regulations. This in itself offers a strong reason to refuse the application in accordance with paragraph 11(d)(i) of the NPPF, but it is acknowledged that there are strategies in place that could be used to secure the required mitigation.

Recommendation:

PERMIT ☐

REFUSE ☒

Reasons:

1. The proposals, due to the design and siting of the new dwelling, would go against the prevailing character and pattern of development within the locality and result in development that is out of context with the established grain of the surroundings, to the detriment of the character and visual amenity of this section of Botley Road. As such, the proposed development is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's Quality Places SPD (2011), and the provisions of the NPPF (2023).
2. The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen and phosphate loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2023) and the Conservation of Habitats and Species Regulations 2017.

Note to applicant: The application was refused following the assessment of the following plans: SD-2310-04 E – Existing Site Plan; SD-2310-100 N – Site and Location Plan; and SD-2310-101 D – Proposed Plans and Elevations. In accordance with paragraph 38 of the National Planning Policy Framework (2023), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.