

DELEGATED OFFICER REPORT:**Application Ref:** F/25/99457**Site Address:** 6 SEDGWICK ROAD, BISHOPSTOKE, EASTLEIGH, SO50 6FB**Case Officer:** Clare Martin**Description:** Erection of 2no. semi-detached two bedroom bungalows

Particular Site Constraints?	Yes ☒	No ☐
• Within Urban Edge • Tree Preservation Order • Within Historic Park and Garden (Longmead House) • Within Nutrient Neutrality Catchment Area (Nitrates and Phosphates) • Within New Forest Recreational Disturbance Buffer		

Planning History?	Yes ☒	No ☐
• F/24/98399 - Construction of 2no. two bed bungalows in rear garden with associated car parking, amenity space, cycle and bin storage and access from Sedgwick Road – Refused (8/1/25)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>4 letters of objection</u> • Overdevelopment and out of character • Impact on trees • Loss of biodiversity • Increase noise disturbance, loss of privacy, reduction in daylight and sunlight • Additional on-street parking creating congestion • Increased flooding		
Tree Officer: (summarised)	<u>OBJECTION – 14/7/25</u> (based on revised letter by Mark Hinsley Arboricultural Consultants and associated tree protection plan 7217TPRevA) <i>Notes</i> • The submitted tree protection plan is based on the previous layout (under F/24/98399) and so should be revised. • The information aims to address the two principal issues we raised in our last response. However, these are not the only issues with this proposal -they were merely the principle ones that had to be resolved prior to the resolution of any minor ones. <i>Issue 1: Position of the Root Protection Zone</i> We would not have expected the entire RPA to be shifted to the north. This is an improbable situation given the tree would require roots to the south to support it from the prevailing wind. The tree would have likely failed if there had been no roots to the south. We have never claimed that there would be no roots in vicinity of Sedgwick Court, but rather that water percolation, gaseous exchange		

and nutrient availability would be significantly less than on the northern side, resulting in increased importance of the unsealed, lawn areas of the application site – in other words, the application site is more critical for the healthy functioning of T1 than a basic RPA would indicate. The report fails to justify why this extreme approach has been taken

Issue 2: Extent of hard surfacing within the Root Protection Area

We do not subscribe to the argument, as put forward by the applicant, that the lawn is intercepting water and nutrients to the extent where removing the lawn and installing cellular confinement would improve the conditions for T1 via the removal of competition. In addition, the calculated area of the RPA that is proposed to be sealed or otherwise influenced by the proposals, does not take into account the “shadow” to the north of the two proposed dwellings, which are now significantly within the RPA. The applicant has not suitably demonstrated that the installation for structures will not render the area behind those structures (i.e. to the north) unusable for rooting

Conclusion:

Unfortunately following the review of the revised arboricultural information, we are still not in a position to support this application as it stands. we do not consider that the applicant has suitably demonstrated that the proposal can be achieved without negative impact on the tree’s health. We consider that the proposal, as it stands, is contrary to policy DM1 and guidance contained with in the Trees and Development SPD

OBJECTION - 24/6/25

T1 is a significant oak tree located on the boundary between the proposed development site and Sedgwick Court. This tree is protected by a Tree Preservation Order and has been assessed as a category A tree.

The consultation response begins by providing a description of the planning history and pre-application advice provided and then outlines the main issues regarding the Oak Tree (T1).

Issue 1: Position of the Root Protection Zone

We do not consider that the applicant has accurately assessed the impact of the proposed development because the arboricultural information has not taken into account the site conditions, namely adjustment of the RPA due to existing hardstanding to the south.

The bulk of the proposed development site – the existing rear gardens of no. 6 and no. 8 Sedgwick Road – is currently lawn, save for a small amount of paving. We consider this area a suitable rooting environment and it is likely that water percolation, gaseous exchange and nutrient availability are positive attributes in this area.

To the immediate south of the proposed development site is a 1980s-constructed development of 12 flats and associated car parking – Sedgwick Court. We consider this area largely unsuitable for rooting due to the sealed surfacing and building foundations. Certainly water percolation, gaseous exchange and nutrient availability would be significantly less than on the northern side.

The position of the Oak Tree (T1), and the varying site conditions, is well demonstrated in two photographs included in the arboricultural information: "Photo 1" showing the site conditions in Sedgwick Court and "Photo 3" showing site conditions in the proposed development site. The calculated Root Protection Area (RPA), as prescribed by British Standard 5837:2012 (BS5837), would occur approximately equally to the north (in the proposed development site) and to the south (in Sedgwick Court). This is the accepted starting point for impact assessment. British Standard 5837:2012 states: *"The RPA for each tree should initially be plotted as a circle centred on the base of the stem."* (4.6.2.)

The applicant has followed these recommendations. However, it then goes on to state: *"Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution."* (4.6.2.) And: *"Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system: a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus)..."* (4.6.3.)

We consider the above guidance to be important in the context of this proposal because of the site conditions in Sedgwick Court. However, the applicant, in their arboricultural information, has argued that: "Creating an asymmetrical RPA for T1 that all parties would be happy with is very difficult." We would respond that the point of guidance is not that all parties are "happy" but rather the impacts are more accurately assessed and, thus, all parties will have a better understanding of what mitigation is required to reduce any impacts.

Issue 2: Extent of hard surfacing within the Root Protection Area

We do not consider that the applicant has suitably demonstrated that the amount of new surfacing within the RPA of T1 can be achieved without negative impact on the tree's health, and thus the amenity it provides.

Regardless of the RPA adjustment (Issue 1, above) the applicant has not suitably demonstrated that the proposal will not impact the tree. Obviously, when factoring in the RPA adjustment, this issue becomes more significant.

BS5837 recommends that: "New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA." (7.4.2.3.) The Use of Cellular Confinement Systems Near Trees: A Guide to Good Practice, published by the Arboricultural Association, does caution that the 20% figure should not be used as an absolute limit, especially when discussing permeable, cellular confinement systems, but also states that there is inevitably an impact associated with the installation of cellular confinement as it constitutes development over roots.

The application documents do not state the area that the new surfacing/structures will cover and, thus, again we cannot believe that the issue has been accurately assessed. It appears that it will be 40+ percent of the existing, unsealed area. With these proposals, the total

	area of T1's RPA covered in surfacing (permeable or otherwise) would reach 65-70% of the RPA, which we feel is unacceptable. Further, if the guidelines in BS5837 were followed, the area of new surfacing and structures within T1's RPA would inevitably increase. <i>Conclusion:</i> Whilst we acknowledge that the applicant has made some changes to the proposal, we are still not in a position to support this application as it stands. The two principle issues from an arboricultural perspective are that: 1) we do not consider that the applicant has accurately assessed the impact of the proposed development; and 2) we do not consider that the applicant has suitably demonstrated that the amount of new surfacing within the RPA of T1 and whether this can be achieved without negative impact on the tree's health.
Ecology Officer: <i>(summarised)</i>	<u>COMMENTS</u> <i>Ecology</i> I have reviewed the Preliminary Ecological Appraisal by Nature's Cousins (October 2024). The site was assessed to have habitat potential for common reptiles, hedgehogs and nesting birds. It is unlikely to support great crested newts, but common frogs or toads may be present. The large oak tree on site may have potential for roosting bats higher in the canopy, so no additional lighting must illuminate this tree or the eastern site boundary. The recommendations in the report are appropriate and must be implemented. <i>Biodiversity Net Gain</i> Based on the current proposed plans (October 2024) and the space available on site, it is unlikely that the 10% net gain can be achieved on site, as the new retained habitat areas will be gardens for the new bungalows. The small sites metric has been submitted with this application. It shows that all habitat is proposed to be removed from the site and no habitat is to be added and therefore contains errors. The applicant also intends to purchase biodiversity net gain credits in order to provide a 10% biodiversity net gain. Since biodiversity net gain credits are not refundable, purchase of credits would be necessary once the application has been determined. An updated metric can be conditioned to accord with the requirements of the Environment Act 2021. Other on-site biodiversity net gain enhancements could include: • Replacing the existing boundary fence planted with native hedgerow species • Seeding the gardens of proposed properties with a species rich grassland seed mix of local provenance to the area. • Additional standard trees are also recommended to be planted such as English oak and hazel trees which will benefit local wildlife. • Bat boxes have also been recommended to be installed on the two new proposed bungalows. <i>Surface Water Drainage</i>

	The drainage plan shows one soakaway serving both properties, with the drainage pipes from D1 crossing under the garden of D2. This is not appropriate as each property should have its own soakaway, and the drainage pipes should not cross into the other property if possible. Unless soakaways are in use for the adjacent properties, percolation testing is required to determine whether soakaways will be successful on this site. The soakaways must not be located in the root protection zone of any trees. Permeable paving is required for the driveways and pathways.
Highways (HCC):	<u>NO OBJECTION</u> (subject to updates and conditions) <i>Access:</i> It is proposed that access in and out of the site will be via the existing drop kerb and driveway that currently serves No. 6 Sedgewick Road. Given the quantum of development, along with the level of vehicle flow on Sedgwick Road, this would be acceptable, where the access also links into the local footway network. It would however be requested that the plans are updated to clearly define the surface material of the driveway (new and existing) to ensure that this is constructed of a bound non-migratory material in close proximity to the highway. <i>Parking:</i> It is noted that 2 parking spaces for each of the proposed two dwellings is proposed, and with adequate turning space also provided to enable forward gear access and egress, this is acceptable. In terms of parking for the existing dwelling (No.6) however, whilst plans have a written note that 'Car Parking for No. 6' will be provided, it is requested that the area of front garden to be converted to a hardstanding for vehicle parking is actually shown on the plans. This area, along with the parking provision for the new dwellings can then be conditioned to ensure that it is indeed provided prior to occupation. <i>Servicing:</i> Given that three dwellings will be accessed via the same frontage area of the plot, it may be prudent for a bin collection point to be added to the site plan, located to the front of the boundary adjacent to the highway. This will ensure that the multiple bins will not become obstructive to either the footway, or the site access itself.
Parish Council:	<u>OBJECTION</u> The Oak tree has a TPO and should be appropriately protected while any building work is taking place. The application should be refused on the same grounds as the previous scheme.

Site Visit:	Yes ☒	No ☐
Details:		

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:

Trees and Development; Quality Places; Residential Parking Standards; and Character Area Appraisals.

Proposal and Planning History:

The proposal is a resubmission of a previous refused application for 2no. two bed bungalows in the rear garden of 6 & 8 Sedgwick Road. The application was refused due to the lack of light to the new dwellings resulting in poor-quality living accommodation and insufficient information being provided to demonstrate whether the proposal would harm the TPO Oak Tree on the southern boundary. A final reason for refusal was the lack of mitigation to offset the impacts of nutrient loading and recreational disturbance from the development on the European protected sites.

The current proposal amends the site layout so that the closest dwelling (D2) has been moved further north and is now positioned 9m from the southern boundary compared to 5.5m in the previous scheme. Part of dwelling D1 has also been shifted northwards away from the Oak Tree. The scheme also retains a larger grassed area around the base of the Oak Tree and within the garden of dwelling D2, thus reducing the amount of hard standing within the root protection area.

The two bungalows will now be semi-detached units (rather than fully detached) each with their own garden and bin/ cycle storage. To the front of the dwellings is a shared car parking area with driveway alongside no.6 providing access from Sedgwick Road.

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.

Trees

Policy DM1 stipulates that development should not involve the loss or damage to trees, and avoid significant adverse impacts to biodiversity, unless they can be replaced with features of equivalent or enhanced value.

There is a mature Oak Tree along the southern garden boundary, which is an important specimen and covered by a tree preservation order. The tree is already restricted by the presence of a large area of hardstanding to the south, serving as the car park for the flats at Sedgwick Court. Due to the presence of the hardstanding the Oak Tree is likely to have a great volume of its roots within the site (although there is disagreement about the position of the root protection area). Nonetheless, it is clear that the unsealed grassed nature of the application site is critical to the healthy functioning of the Oak Tree as it enables water percolation, gaseous exchange and the take up nutrients.

While the proposal is an improvement on the previous scheme (repositioning the dwellings and retaining more open ground) it still represents a significant encroachment into the root protection area with the hardstanding coming close to the base of the tree. The Applicant's arboriculturist has suggested that removing the lawn and installing cellular confinement would improve the conditions for the Oak Tree via the removal of competition. However, this is not an argument supported by the Tree Officer who maintains his objection to the proposal. The proposal has the potential to harm the Oak Tree in that it would reduce the open ground available to enable the tree to carry out its vital processes. It is also likely to result in compaction of the ground and potential physical damage to the tree roots.

While engineering solutions are sometimes possible, in this case the area of hard surfacing is extensive, some of which occurs close to the base of the tree. Given the scale of the impact, along with the existing development next door, it is considered that the proposal would have a significant determinantal impact on health and vitality of the TPO tree. The retention of the mature Oak Tree is important as it provides a high visual amenity value as well as having potential for roosting bats and nesting birds within its canopy. An objection has been raised by the Tree Officer and the application would be contrary to Policy DM1.

Living Accommodation

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. For two-bedroom bungalows, an internal floor area of at least 61m² to 70m² is required. The proposed bungalows are at the bottom end of the national space standards with dwelling D1 having 60m² internal floor space and dwelling D2 61m².

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. It goes on to state "*Amenity space sizes should be increased where excessive shading renders significant areas of the garden unusable due to neighbouring buildings or other structures, trees and orientation*" (pg 29) ... *Back gardens within 30 degrees of north should be a minimum length when measured from the house of 12m for two storey and 14m for three storey dwellings to compensate for excessive shade*" (pg 3)

For bungalow D1, a 49m² garden is provided at the back of the dwelling that meets the 60% standards. However, this garden is only 4m deep and as it faces north where it would be heavily overshadowed by the proposed bungalow. Likewise, the main living and both bedrooms windows are north facing where they would receive no sunlight and limited daylight.

For bungalow D2, a generous 126m² outdoor space is provided that is split fairly evenly between two gardens located on the northern and southern side of the dwelling. However, both areas would be overshadowed, on the northern side by the host bungalow and on the southern side by the existing two storey flatted development at 7-10 Sedgwick Court. Similarly, the internal living areas would also lack light with shading affecting the kitchen,

living room and bedroom 1 windows. Limited light would also be received by bedroom 2, with the eastern window being restricted by the close proximity of the boundary fence.

Concern was raised about the lack of light and its affect upon the quality of the living accommodation during the previous application and this formed a reason for refusal. No daylighting information has been provided with the current planning submission and while the bungalows have been repositioned and redesigned this hasn't sufficiently altered the amount of light received by the dwellings.

In conclusion, the orientation of the dwellings and presence of existing/ proposed buildings and structures means that limited natural light would be resulting in poor quality living accommodation. The lack of natural light would affect the main living spaces and gardens of both properties to such an extent that the development would unacceptably affect the amenity of the new residents. As such the proposal does not meet the requirements of Policy DM1 or guidance within Quality Places SPD.

Character and Appearance

Policy DM1 requires development to take full and proper account of the context of the site including the character, 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.

The proposal would extend the existing drive further into the site where it would serve two new semi-detached bungalows. The bungalows would have little impact upon the appearance of the locality, being positioned within the rear gardens of 6 and 8 Sedgwick Road where they would not be noticeable from the street scene or public realm. The bungalows would fit in with the residential character of the area which already contains examples of back land development, including the flatted development to the South (Sedgewick Court).

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. Additional residential amenity guidance is provided within the Council's Quality Places SPD.

The proposal is for two bungalows in the rear gardens of 6 and 8 Sedgwick Road. The sites adjoins neighbouring gardens all of which are a reasonable length, with the proposed dwellings being positioned 15m away from the existing houses and those along Escombe Road. At this distance the single storey dwellings are not considered to cause unacceptable harm to the outlook or light received by the existing houses. The proposal will also not significantly increase overlooking as views from the ground floor windows will be obscured by boundary fencing.

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.

The proposal provides two on site car parking spaces at the front of each dwelling, which accords with the Council's residential parking standards for two bed properties. There is sufficient space within the site for vehicles to turn and so enter and exit in a forward gear. No objection has been raised by the Transport Officer and due to the on site parking provision the proposal is not considered to have an unacceptable impact upon the road network.

Had the application been recommended for permission then off road parking on its frontage could have been secured for the existing dwelling (no.8) as well as conditioning non migratory driveway surfacing material.

Ecology and Biodiversity Net Gain

The National Planning Policy Framework and Policy DM11 looks for the Council to promote a 10% biodiversity net gain on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

A preliminary ecological appraisal and net gain metric has been submitted, which has been reviewed by the Ecology Officer and no objection raised. The scheme intends to meet the 10% biodiversity net gain requirement through the purchasing of off site credits with some on site enhancements in the form of landscaping and bat boxes. Had the application been recommended for permission, a landscaping plan and biodiversity credits could have been secured by condition.

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 scheme intends to use soakaways and permeable paving for the drainage system. It is questionable whether infiltration is suitable at this site given that neighbouring letters referencing poor surface water drainage in the locality. No soil permeability tests have been provided as part of the application. However, there are other drainage methods that could have been implemented on the site if infiltration is not suitable. As such drainage details could have been conditioned had the application been recommended for approval.

Heritage Assets

Policy DM12 states that development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset. The more important the asset, the greater the weight that should be accorded to this criterion.

While the site is within the Longmead House historic park and garden, the area has been extensively developed for housing and so has a residential character. It is therefore considered that the proposed minor housing development would not have a significant impact on the heritage asset. No response was previously received by the Garden Trust.

Planning Balance:

The Council has recently published its five-year land supply report, which is based on a housing requirement of 729 homes per annum and uses the latest housing completions data from 2023/24. The report identified a 4.3 year supply of housing (as of November 2024), which has been subsequently reduced to 4.1 years due to the new requirement to provide 5% buffer (under the latest revision of the NPPF). As such the 'tilted balance' set out at paragraph 11 of the NPPF applies to the proposal.

In this instance, it is considered that the notable harm to the existing TPO Oak Tree and poor living accommodation would significantly and demonstrably outweigh the modest benefits of the proposal (e.g. the delivery of two dwellings within a sustainable urban location).

Furthermore, while it is acknowledged that the Council is unable to demonstrate the required five year housing land supply, its housing land supply figure remains over four years. The council also has a very good track record of housing delivery with the latest figures delivering 122% of the housing target.

Impact of SPA:

The proposal is likely to have a detrimental impact on the Special Protection Area, both in terms of recreational disturbance and an increase in nutrients.

Recreational Disturbance

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within this catchment area is likely to result in additional visitors causing additional recreational disturbance to this site.

As mitigation, new housing developments need to contribute towards the Council's New Forest Mitigation Strategy that 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 for the development and no legal agreement has been secured and so the lack of mitigation forms an additional reason for refusal.

Nutrients

The site is within the impact zone for nitrogen and phosphates, which has been shown to have a determinantal impact on the water quality of the River Itchen Special Protection Area. A nutrient budget has been submitted for the development (which shows a positive output for nitrogen and phosphorus) and it is the Applicant's intention to purchase credits from the Council's nutrient mitigation scheme, for which it is the Council's practice to secure nutrient mitigation via condition. However, as the application is being refused the lack of mitigation forms an additional reason for refusal.

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 ...		