

DELEGATED OFFICER REPORT

Application Ref: F/25/99151

Site Address: Land in between 27 & 31 Crows Nest Lane, Boorley Green,
Southampton, SO32 2DD

Case Officer: David Huckfield

Description: Construction of 1no. 5 bedroom detached dwelling with associated parking, landscaping, and access from Crows Nest Lane

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within Established Residential Area Within Zone of Impact of European Protected Solent Complex (SPA, SAC and Ramsar sites) and New Forest National Park (SPA, SAC and Ramsar sites) Within Flood Zone 1		

Relevant Planning History?	Yes ☒	No ☐
O/09/66410 – Outline: erection of 2-storey detached dwelling with garage – WITHDRAWN (03/03/2010)		

Site Visit:	Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☒
		Newspaper ☐

Representations Received:

Two letters of representation have been received from the occupiers of No. 31 Crows Nest Lane raising objections to the proposals on the grounds of a loss of light resulting from the development to their home and garden.

Consultation Responses (Summarised):

Botley Parish Council	No comments received.
Ecology	No objection subject to: the provision of biodiversity net gain – the site is exempt from the mandatory requirements as a self-build development but policy requirement still applies; the submission of a proposed hedgerow species list and landscaping/planting information and surface water drainage details; a precautionary working method statements being provided within a CEMP or similar; and, an informative concerning the timing of vegetation removal in the interests of protecting nesting birds.
Hampshire County Council Highways	No objection to the proposals from a highway perspective, subject to conditions being applied as outlined below. It is proposed that the access into the site for both pedestrians and vehicles will be via a new vehicle crossover drop kerb located off Crows Nest Lane. This is acceptable, with an approximate 2.0 metre grass verge to the front of the property leading to the carriageway enabling adequate visibility for the specific location. It would however be requested that the following conditions are put in place to (a) ensure maximum visibility is achieved, and (b) that appropriate highway works are undertaken to enable suitable access.

	It would also be requested that (c) a Construction Site Management Plan is put in place to ensure any off site impacts are minimised due to the relative narrow nature of Crows Nest Lane.
Environmental Health	No objection subject to conditions to require a watching brief in respect of potential land contamination, to cover the importation of soils if required for the development, and to require a Construction Environment Management Plan (CEMP) to be submitted prior to the commencement of development, as well as an informative in relation to the potential impacts of radon.
Southern Water	No objection subject to conditions in respect of landscaping and drainage provisions and informatives in relation to sewerage connections, Southern Water assets, and the location of soakaways relative to an adoptable gravity sewer, rising main or water main.
Natural England	No comments received.

Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan is comprised of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)
- Trees and Development (adopted 2022)
- Character Area Appraisal – Hedge End, West End and Botley (adopted 2008) – The site lies within the character area HEWEB 44, with the SPD setting out the following guidance principles for new development:
 - Retain the soft verge edges and supplement with additional planting where appropriate in order to maintain the 'lane' quality.
 - Retain/reinforce the mature broadleaved trees on the eastern edge of Crows Nest Lane.
 - Maintain the predominant deep building setbacks in order to retain/reinforce the existing levels of on-plot planting.

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance

(PPG) provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Principle of development:

The application site lies within the urban edge as defined on the Local Plan policies map. Policy DM23 of the Local Plan states that residential development through new build, conversion, sub-division or extension will normally be permitted within the urban edge subject to the general criteria and transport policies of the Local Plan being adhered to. The basic principle of the development proposed, which incorporates the construction of a single residential dwelling, is therefore considered to be acceptable, with any formal planning approval being subject to the nature, design and impacts of the scheme being appropriate and in accordance with the relevant Local Plan policies and supplementary planning documents and guidance which are referred to above. The relevant material considerations in these regards are covered in the sections below.

Layout, design and impact of the proposals on the character of the area:

Policy DM1 of the Local Plan states that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. The Council's Quality Places SPD provides further guidance in relation to design in support of Local Plan policy, with the adopted Character Appraisal SPD setting out guiding principles for new development in the location and context within which the application site falls.

The application proposes the construction of a two-storey detached five-bedroom dwellinghouse which would be situated to the western side of Crows Nest Lane near to its junction with Maddoxford Lane. The site is believed to have at one point formed part of the curtilage of No. 31 Crows Nest Lane (the neighbouring dwelling to the immediate north of the site) but has since been subdivided with the land now providing for a good sized infill plot for an appropriately designed dwellinghouse.

The proposed property is considered to meet these criteria. Whilst relatively sizeable in terms of its scale and footprint, with it having a width of 12.8m and spanning a depth of 14.3m, it is not considered to be disproportionate either to the extent of the plot or to neighbouring properties. A reasonable sized amenity area will be provided to the rear, with sufficient on road parking on the site frontage accessed directly from Crows Nest Lane. The property will also respect the height of the nearest dwellinghouse (No. 27 to the south) and the prevailing building line within this section of the road, with its design presenting a well-balanced front elevation which picks up on some of the architectural features prevalent on nearby buildings.

Amended plans were submitted during the course of the application process which removed both a proposed detached garage from the site frontage as well as a front brick boundary wall, both of which were considered out of keeping with the area. Following these changes which provide for a more open frontage and a softer front boundary treatment in the form of hedging and a post and rail fence, and taking account of the above comments, it is considered that the development will integrate well into the Crows Nest Lane street scene and respect the prevailing character of the area. The final materials to be used and the site landscaping can be covered by condition to ensure that these details are appropriate.

Having regard to these factors and with the requisite conditional controls, the proposals are considered to be acceptable and to accord with Policy DM1 of the Local Plan, as well as the provisions of both the Quality Places SPD and Character Appraisal SPD, in terms of their layout, design and impact on the character of the area.

Residential amenity:

Policy DM1 of the Local Plan requires that new development should not have an unacceptable impact on, and where possible should enhance, the residential amenities of both new and existing residents, with the Council's adopted Quality Places SPD providing additional guidance in relation to amenity in support of this policy. When assessing residential amenity, there are two main considerations, with these being the impacts of the proposals on the amenity of the occupiers of existing neighbouring properties, as well as the quality of the residential environment that would be provided for the future residents of the development.

With regards to the latter of these first of all, the proposed dwellings would meet the requirements of the Nationally Described Space Standards in accordance with Policy DM30 of the Local Plan and would thereby provide sufficient space for residents to live comfortably. Habitable rooms would also achieve a suitable degree of privacy and be well served by both light and outlook.

In terms of exterior space, the Council's Quality Places SPD requires that a usable private amenity area be provided for houses which is equivalent to a minimum of 60% of the internal floor area of the property. Again, this standard would be achieved with the garden area also being of an appropriate shape and depth to provide sufficient usability. It would, in addition, be suitably enclosed and not unduly overlooked by neighbouring properties as to achieve adequate privacy for residents.

In terms of the impact of the proposals on the amenity of the occupiers of existing neighbouring dwellings, the properties within the recent development to the east (to the opposing side of Crows Nest Lane) are a suitable distance away from the site as to not be significantly materially impacted. Sufficient separation would also be afforded to the rear boundary of the plot such that the amenity area of No. 66 Maddoxford Lane would not be unduly overlooked by the first floor rear windows of the proposed property, nor would the development be unduly overbearing to its occupiers. The facing upper-floor windows of No. 66 are also noted to be obscure-glazed and thereby the privacy within the rooms they serve would not be unacceptably compromised.

Turning to the dwellings immediately either side of the site, Nos. 27 and 31 Crows Nest Lane respectively. Whilst the proposed building will be in relatively close proximity to the boundary with No. 27 and to the property itself, it is to its northern side and set immediately alongside it, with the only windows within the facing side of the neighbouring dwelling being at ground floor level and serving a WC and utility area which are non-primary habitable spaces where light and outlook are considered less important.

In terms of No. 31, as set out above the occupiers of this property have objected to the application on the grounds of a resulting loss of light to their garden and property. Whilst these comments are noted and it is acknowledged that the development will have a degree of impact in this regard, it is not considered that this impact would be such as to make the development unacceptable in planning terms and to justify the refusal of the application on these grounds.

The proposals comply with the lighting tests set out within the residential amenity section of the Council's adopted Quality Places SPD for assessing the impact of new buildings on existing ones and, accordingly, it is deemed that there will remain good potential for sufficient levels of light to be received to the habitable windows of No. 31. In addition, although the proposed property will be in close proximity to the shared boundary and, as a result of the relative orientation, will impact light to part of the garden at certain points of the day, this would not result in a breach of the two-hour sunlight test (which requires that at least half of a garden or amenity area should receive a minimum of two hours of sunlight on 21 March (spring equinox)) as set out within the BRE (Building Research Establishment) guidance on *Site Layout Planning for Daylight and Sunlight*. The relationship between the proposed and existing development (No. 31 Crows Nest Lane) is

therefore not considered to be unacceptable with regards to overshadowing or loss of light.

Conditions will, however, be imposed to require that the proposed upper floor facing windows to both sides of the new dwelling be obscure glazed and top opening only in order to prevent any undue overlooking or loss of privacy occurring for the occupiers of No. 31 and No. 27. Additional conditions will require a Construction Environment Management Plan (CEMP) to be submitted for approval prior to the commencement of development, as well as to limit construction hours and prohibit on-site burning in the interests of amenity.

With these conditions and restrictions, it is considered that the development complies with the requirements of Policy DM1 of the adopted Local Plan and the guidance contained within the Council's Quality Places SPD in respect of the matter of residential amenity.

Highway matters:

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

The site falls within the urban edge as shown on the policies map for the Local Plan and within what has, in recent years, become an established residential area with Boorley Green having been subject to significant amounts of development for housing. Having regard to this and that the proposals are only for a single dwelling, there are no concerns raised in respect of the location of the development or its connectivity by sustainable modes of travel.

In terms of parking, the Council's adopted standards require that properties of 4 or more bedrooms, as is proposed in this case, have 3 on-plot car parking spaces. As shown on the submitted site plan, there would be ample space available on the driveway to the front of the property to accommodate the number of vehicles required, with access from Crows Nest Lane. This is in addition to the proposed integral garage which is of sufficient internal size such that it could also be used for parking.

In addition to car parking, cycle and bin storage is also required for new development. Whilst not shown specifically on the drawings provided, there is sufficient space for bins to be stored on site, with the integral garage also being of an appropriate size to accommodate the requisite number of cycles (2 in accordance with the provisions of the Council's Residential Parking Standards SPD) without impinging upon its capacity to be used for vehicular parking. The proposals are therefore considered to be acceptable in these respects.

Finally, in terms of the construction phase and having regard to the relatively narrow nature of Crows Nest Lane and the proximity of the site to the junction of this road with Maddoxford Lane, it will be necessary for measures to be detailed for such matters as arrangements for deliveries and contractor parking during construction works in the interests of highway safety. As recommended by the Highway Authority, these matters can be suitably covered by a condition requiring the submission of a Construction Environment Management Plan (CEMP) prior to the commencement of development.

Taking account of the above factors, the proposals comply with the requirements of Policies DM13 and DM14 of the Local Plan and the Council's Residential Parking Standards SPD.

Ecology:

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

Protected species and Biodiversity Net Gain (BNG)

The application is supported by a Preliminary Ecological Appraisal (PEA) which aims to identify the habitats on site and record species encountered, classify suitability for legally protected and/or notable species, identify likely ecological constraints associated with the development, recommend any mitigation measures or additional surveys likely to be required, and identify opportunities to deliver ecological enhancement.

The PEA sets out that the area of impact of the development is limited in terms of its ecological value due to the site being predominantly laid to modified grassland subject to intense management, with there being a lack of floral diversity. The small number of scattered trees on the site and the existing perimeter hedgerow are stated to be more valuable features, although this is limited to site value only with the hedgerow being noted to be isolated and not connected to a wider network. No evidence of legally protected and/or notable species was recorded, although potential for commuting and/or foraging bats, badgers, hedgehogs and nesting birds was identified.

The hedgerow is proposed to be retained and whilst the PEA states that the trees would also be kept, it is possible that at least one of those in closer proximity to where the dwelling would be sited may need to be removed to facilitate its construction. Whilst the preference is always to seek for existing trees to be retained as set out within the Council's Trees and Development SPD, this is not always feasible and, in this case, it is considered that the loss of one of the modest sized existing trees would not render the application unacceptable. A condition will, however, be imposed to require the submission of a landscaping scheme for approval by the LPA so it can be ensured that any trees lost are replaced in line with the replanting requirements of the SPD.

The other recommendations within the PEA which cover lighting provisions, construction management measures for ecology, the undertaking of any vegetation removal works outside of the bird nesting season, and proposals for the installation of bird and bat boxes, are all considered appropriate and can be covered by conditions or informatives. Finally, and whilst noting the Council Ecologist's request for surface water drainage details to be provided prior to determination, in this case it is considered that there is sufficient room on site for an appropriate scheme and that this could be covered adequately by way of a pre-commencement condition.

In terms of Biodiversity Net Gain (BNG), as a self-build development the proposals are exempt from the mandatory 10% minimum net gain required by Section 7A of the Town and County Planning Act 1990 (inserted by the Environment Act 2021). There, however, still remains a local and national planning policy requirement (as set out in the NPPF and Policy DM11 of the Council's adopted Local Plan) for development to achieve a net gain for biodiversity. In this regard, it is considered that this can be achieved through suitable landscaping (for example, through native planting within the garden area etc.) as well as through the provision of bird and bat boxes as recommended within the submitted PEA, and that these measures can be secured by condition.

With these conditions and those referenced above imposed, the requirements of Policy DM11 of the Local Plan are considered to have been met.

Impact on European Protected Sites:

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

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

The required mitigation has been secured as part of the planning application, with this being through contributions to the Solent Recreation Mitigation Project (for the recreational impacts on the Solent) and the Council's adopted mitigation scheme in respect of recreational pressure on the New Forest protected sites, as well as the imposition of a condition on the planning approval in relation to the nitrates impacts of the proposals. This condition requires the submission of evidence of the securing of appropriate mitigation to achieve nutrient neutrality which the applicant intends to provide by way of purchasing credits from the Council's offsetting scheme, and prohibits occupation of the dwelling until this has been approved by the LPA.

Accordingly, and with these mitigation measures secured, the LPA as the competent authority under the Habitats Regulations are satisfied that the development will have no adverse effects on the integrity of the designated sites identified above. The application therefore complies with Policy DM11 of the adopted Local Plan, the relevant provisions of the NPPF, and the Habitats Regulations.

Contaminated Land:

Policy DM8 of the Local Plan states that development will not be permitted if it is likely to impact on public health or have other unacceptable environmental impacts though, amongst other things, land contamination, and that development susceptible to such forms of pollution will require measures to be taken that can adequately mitigate the polluting effects. This includes, where a site is known or suspected to be contaminated, the remediation of the contamination to an appropriate standard prior to the site being developed.

The Council's Environmental Health Officer (EHO) has advised that the geology of the land is comprised of sands, silts and clays from the Wittering Formation, with the UK radon risk map indicating that the site is within an area of 3-5% maximum radon potential. Whilst the site is not located within an identified contaminative land use and the EHO does not anticipate significant contaminated land risks associated with the proposed development, they have recommended that construction works be subject to a watching brief to ensure that should any identified contamination be found it is appropriately reported, risk assessed and remediated (if required). A further condition has been recommended in relation to the use of any imported soils to require that it be demonstrated that they are suitable for their intended end use, as well as an informative to cover the possibility of radon risks. These will each be applied to the decision notice

accordingly and with these imposed the proposals are considered to accord with Policy DM8 of the Local Plan.

Climate Change:

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

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

The NPPF aims for the need for housing to be met, and Policy S2 of the adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and the energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. In this particular instance and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Recommendation:

PERMIT ☒

REFUSE ☐