

BHH, Bursledon, Hamble and Hound Local Area Committee, 3 December 2020

Application Number: F/20/88114
Case Officer: Stuart Walburn
Received Date: 30 June 2020
Site Address: Chalcot, York Road, Netley Abbey, SO31 5DD
Applicant: Mr and Mrs. Wilkinson
Proposal: Erection of 1no. one-bedroom dwelling following demolition of existing one-bedroom dwelling and garage

Recommendation: Permit subject to the submission of detailed design information including 1:20 drawings, materials and maintenance - to secure the design concept in construction phase, for follow-up/further consultation with the Design Review Panel ahead of issuing a formal planning decision

CONDITIONS AND REASONS:

1. The development hereby permitted shall be implemented in accordance with the following plans numbered:

LP01 A	Site Location Plan
SL01 B	Site Layout
SL01 B	Site Layout with Floorplan
SS01 C	Sunlight Penetration Diagram - Elevation
SS01 D	Sunlight Penetration Diagram - Section
Front01 B	Frontage Area Comparison
FP01 C	Floor Plans including Decking
ELEV01 B	Elevations
SE01 B	Street Elevations
SS03 B	Site Section – 03
SS03 B	Street Elevation – View from Southampton Water
Cover01 B	Site Coverage Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The works hereby consented shall start no later than three years from the date of this Permission/decision.
Reason: To comply with Section 74 of the Planning [Listed Buildings and Conservation Areas] Act 1990 and Section 91 of the Town and Country Planning Act 1990.
3. No demolition work shall start until a copy of the completed contract for the redevelopment works has been submitted to and approved in writing by the Planning Authority. The redevelopment shall start within six months from the date of the completed contract.

Reason: To protect the character and appearance of the conservation area.

4. No development shall start on site until the Local Planning Authority has approved in writing and issued a separate grant of planning permission for a full scheme of works for adjacent cliff stabilisation works. These works shall be completed to the satisfaction of the Local Planning Authority prior to the commencement of development / the implementation of this planning permission.

Reason: The site lies within an area of immediate and wider cliff erosion and retreat and without proper mitigation the development could hasten erosion to the detriment of the site, adjacent sites and the immediate and wider area.

5. Notwithstanding the approved plans / details, no development shall start until full details and all samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

6. No construction or demolition work shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:

- a) a programme and phasing of the demolition and all construction work;
- b) location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- c) arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
- d) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway [including vehicle crossovers and grass verges].
- e) the parking of vehicles of site operatives and visitors;
- f) measures to control the emission of dust and dirt generated by demolition and construction;
- g) a scheme for controlling noise and vibration from demolition and construction activities (to include piling);
- h) provision for storage, collection, and disposal of rubbish from the development during construction period;
- i) measures to prevent mud and dust on the highway during demolition and construction;
- j) the erection and maintenance of security hoarding;
- k) temporary lighting;

Reason: To limit the impact the development has on the amenity of the locality

7. No development shall start until details for the sustainable disposal of surface water [and disposal of foul sewerage] from the development hereby permitted

have been submitted to and approved in writing by the Local Planning Authority. The development shall then accord with the approved details.
Reason: To ensure satisfactory provision of foul and surface water drainage.

8. Prior to excavation, demolition or development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved by the Council's Ecology specialist. The CEMP shall be adhered to at all time unless otherwise agreed to in writing with the local planning authority.
Reason: To mitigate and manage any potential harm to local wildlife and biodiversity.
9. Notwithstanding the submitted details, no development shall start until a flood risk assessment [and where necessary details of a mitigation scheme] have been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation measures shall be implemented within a timescale to be agreed in writing by the Local Planning Authority. Additional information can be found on the Environment Agency's website.
Reason: To ensure that the flood risk is minimised.
10. No development shall start until a scheme of work detailing the extent and type of piling, the foundations design, the slab design, the voided subbase design and the garden decking design proposed has been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details.
Reason: To protect the site from further cliff erosion and the amenities of the occupiers of nearby properties.
11. No development shall start until details for the treatment of site boundaries have been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the boundary treatment has been provided in accordance with the approved details and retained thereafter.
Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.
12. No development shall start until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard & soft landscaping and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard.
Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.
13. No development shall start until details for the onsite provision of bin & cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the [bin & cycle] storage has been constructed in accordance with the approved details and thereafter retained and kept available.
Reason: To ensure the adequate provision of onsite facilities.

14. No development shall start until a detailed method statement for the managing of any invasive species has been submitted to and approved in writing by the Local Planning Authority. The development shall then accord with the approved method statement.
Reason: To maintain the value of the locality for biodiversity.
15. No excavation, demolition or development related works shall take place on site until a final detailed arboricultural supervision proposal, detailing all proposed supervision activity and method of reporting, has been submitted and approved by the Local Planning Authority. The approved arboricultural supervision proposal must be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority.
Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.
16. No excavation, demolition or development related works shall take place on site until a tree planting plan and planting method statement, as per British Standard 8545:2014, have been submitted and approved by the Local Planning Authority. The approved documents must be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority. Tree planting must take place as soon as possible after completion of the proposed development and no later than the end of the following planting season. If, for a period of no less than 10 years after planting, trees which are removed, die or become seriously damaged shall be replaced as soon as reasonably practicable with others of the same species, size and number as originally approved.
Reason: to maintain and enhance local tree canopy cover.
17. No excavation, demolition or development related works shall take place on site until a common nuisance mitigation and tree maintenance plan has been submitted and approved by the Local Planning Authority. The approved documents must be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority.
Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.
18. No excavation, demolition or development related works shall take place on site until final detailed plans of the foundation design, including water diversion system, have been submitted and approved by the Local Planning Authority. The approved documents must be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority.
Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.
19. Notwithstanding the details provided in the pre-commencement conditions, the development must accord with the arboricultural report reference J1187.02 produced by Sapling Arboriculture. No excavation, demolition or development related works shall commence until the tree protection fencing and ground protection has been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or

placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work.

Reason - To retain and protect the existing trees which form an important part of the amenity of the locality.

20. The garage hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

21. The development hereby permitted shall not be brought into use until a minimum of 2 car parking spaces have been provided within the curtilage of the site and thereafter maintained and kept available.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

22. No burning of materials obtained by site clearance or any other source shall take place during the demolition, construction and fitting out process.

Reason: To protect the amenities of the occupiers of nearby properties.

23. The development shall not be brought into use until all resultant materials have been removed from the site.

Reason: To protect the amenities of the occupiers of nearby properties.

24. No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of the occupiers of nearby dwellings.

25. For a period of no less than 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

Reason - In the interests of the visual amenities of the locality.

26. All hard & soft landscaping, tree planting and boundary treatment shall be carried out in accordance with the approved details and to the appropriate British Standard. For a period of 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.

27. (i) Biodiversity measures and enhancements recommended in the PDAS by Wessex Planning (June 2020), Ecological Appraisal Report by Ecosupport

(July 2019), and Supplemental Ecological Response by Ecosupport (December 2019) shall be followed and implemented.

(ii) Details of a wildlife area (and planting) shall be submitted to and approved in writing by the local planning authority prior to first occupation. It should comprise a mosaic of habitats including patchy scrub and species rich grassland appropriate for a coastal area. An appropriate maintenance plan should be agreed to keep this area from becoming overgrown.

Reason: To protect and enhance biodiversity.

28. The development shall not be occupied [unless agreed in writing by the Local Planning Authority] until 'as built' stage SAP data confirming a 19% improvement of dwelling emission rates over target emission rates as set by building regulations and an 'as built' stage water calculator confirming predicted internal mains water consumption to be no more than 105 litres/person/day and a sustainability report [highlighting how all of the essential requirements of the Eastleigh Borough Council adopted Supplementary Planning Document 'Environmentally Sustainable Development' have been met] has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development meets the requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'.

Reason: To ensure the development meets the requirements of the national technical standards for energy and water consumption in residential development.

Note to Applicant: It is considered that, subject to compliance with the conditions and any obligations attached to this permission, the proposed development is acceptable because it will not materially harm the character of the area, the amenity of neighbours or highway safety and it is in accordance with the policies and proposals of the development plan, comprising the Eastleigh Borough Local Plan Review 2001-2011, and after due regard to all other relevant material considerations including the National Planning Policy Framework and the Submitted Eastleigh Borough Local Plan 2016-2036 .

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework, 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.

Note to Applicant: This planning permission does not convey the right for the development to encroach over, under or on land which is not within your ownership, without the consent of the landowner.

Note to Applicant: the permission does not authorise the undertaking of any works involving excavations in the carriageway, footway or verge. A road opening permit should be obtained from Hampshire County Council at Hampshire County Highways Jacobs Gutter Lane, Totton, Southampton, Hampshire, SO40 9TQ. Tel: 0845 603

5633. E-mail: roads@hants.gov.uk Website:www.hants.gov.uk/highways

Note to Applicant: Any use of cranes must comply with the British Standard Code of Practice for the safe use of Cranes and the Crane operators must consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is further explained in Advice Note 4, "Cranes & Other Construction Issues" [available at www.aoa.org.uk/publications/safeguarding.asp).

Report:

1. This application has been referred to Committee because of the level of local interest.

Site Characteristics and Character of the Locality

2. The application site is a parcel of land set between York/Manchester Roads and the cliff edge. The site is generally flat and level except where the cliff falls away to the beach below.
3. Presently the site accommodates a modest timber cabin with a footprint of 18 square metres (6.7 x 2.7 metres) and 2.8 metres high to its low-pitched roof ridge. This sits towards the front of the site parallel with the road. Next to it sits a detached flat roof single garage of concrete sectional construction, together with a couple of small timber sheds to the rear within a garden space.
4. The site is well screened by trees and undergrowth with a good size Oak to the site frontage between the cabin and garage being of note. This Oak is one of several large deciduous trees which surround the site and form part of a prominent group of trees along the cliff top. These groups of trees are a strong characteristic of the Netley shoreline and the Netley Abbey Conservation Area of which it forms a part. Whilst all trees within a conservation area are protected by virtue of being within the conservation area, the Oak and Beech to the northern side of the site are subject to a specific Tree Preservation Order.
5. Due to its rather overgrown nature, the boundaries of the site are not clearly defined. This overgrown appearance is in quite stark contrast to the well-maintained and more open appearance of the neighbouring 'garden' sites, which have open views out towards Southampton Water. Notwithstanding the dense planting around the site boundaries, which generally obscures the structures upon it, this is not to the detriment of the conservation area as it adds to the strong characteristic of glimpsed views towards the water between and through groups of trees along the cliff edge.
6. York and Manchester Roads are private streets which serve a mixture of residential properties from original two storey red brick Victorian villas to 1960s/70s three storey flat blocks. The streets form part of a quieter and more private residential area between Victoria Road and the shoreline, with

development on the opposite side of Victoria Road being denser and more built up.

Description of Application

7. Erection of 1 no. one-bedroom dwelling following demolition of existing one-bedroom dwelling and garage.
8. The application is accompanied by the following reports and technical assessments:
 - Planning, Design and Access Statement
 - Flood Risk Assessment
 - Heritage Statement
 - Ecological Appraisal
 - Supplemental Ecology Response
 - Arboricultural Impact Assessment and Tree Survey.
9. Screening under the Habitats Directive was/was not required due to the proposals being for a replacement dwelling.

Relevant Planning History

10. Planning permission was refused by the Local Area Committee for a two-storey house in December 2019 (EBC planning reference F/19/86252). The reasons for refusal states:

The proposed development by virtue of its size, scale and two storey height, would have an unacceptable impact upon the visual amenity and character of this part of the Netley Abbey Conservation Area in that it would introduce a prominent feature at odds with the prevailing pattern and form of development along the coastline. As such the proposed development is considered to be contrary to saved Policies 59.BE and 169.LB of the adopted Eastleigh Borough Local Plan Review (2001-2011), Policies DM1 and DM12 of the Submitted Eastleigh Borough Local Plan 2016 - 2036 and the Council's 'Quality Places' and 'Netley Abbey Conservation Area Appraisal and Management Proposals' SPDs.

11. An Appeal has been submitted regarding the above refusal of planning permission and is awaiting determination.
12. Prior to the above application, and as noted in the Committee report for F/19/86252, there is no record of any formal planning history relating to the site, however, the site had been in residential use for some time with Council Tax regularly being paid up until 2018 when the site was sold. The garage structure is shown on Ordinance Survey maps dating from the 1980s and the cabin shown on current maps, although it does appear that the cabin structure has been in situ for a considerable amount of time, most likely from the early 1970s according to comments from local residents. There also appears to be evidence of previous structures on the site including a cast iron soil pipe

around which a Oak trees has grown, as well as talk of it being used as a look out point during the Second World War.

Representations Received

13. A total of 11 no. representations have been received. Five of these are objections including one from a management company representing flats 11-20 Ross Mews. The comments and points raised are as follows:

- Planning, Design and Access Statement aerial photography not accurate in respect of the current footprint of the site
- The site is eroding
- Landslips occurring
- Building works will disturb and weaken cliff to neighbouring properties
- In direct path of Isle of Wight television signal
- Single storey a great improvement over the previous design
- Flat roof would be better
- Construction traffic would block road
- Size of plot misreported
- Overdevelopment
- Visual impact of road-facing elevation understated – overall area of this elevation larger than previous scheme
- Inadequate parking
- Question whether this is self-build
- Future potential to covert garage or roof space into further bedrooms
- Omission of proposals for sea defences
- No mention of safety fencing
- Current building never intended as a permanent home
- Not affordable housing
- Disputed site area ownership
- Parking demand
- Damage to private road
- Wildlife living in cliffs
- Impact from foundations
- Local property resale values (interrupted view)
- Added traffic from servicing movements
- Noise and disruption
- No information how drainage proposals will be maintained
- Impact on flora and fauna
- No evidence of bat presence surprising
- Impact on tree root protection zones
- Not clear how trees will be protected
- Surface water drainage design will accelerate cliff erosion
- Sewer integrity
- The application should be considered in tandem with the erosion protection measures
- Risk of trespass to neighbouring properties
- Proposal building height

- The site is within a conservation area
- Impact on the tranquillity of the location
- Dwelling could be used as a holiday let
- Development could set a precedent.

Consultation Responses

14. **MOD Safeguarding** – No safeguarding objections.

15. **EBC Ecology 21 July 2020** - The proposed site section plan shows that the new house would be approximately 8 metres from the edge of the cliff, approximately 3 metres closer than the existing house. The River Itchen, Weston Shore, Netley and Hamble coastal study (section Net 2) (Mouchel 2012) found that the areas of undefended cliffs are generally eroding, and the shoreline is retreating. Although it is proposed that cliff stabilisation work will be done under a separate planning application at some point in the future, the cliff is not currently stabilised and has the possibility of eroding further. Therefore, a wildlife area at the edge of the cliffs that starts out being 1.5 m wide will probably erode to become narrower over time. 1.5 m is already quite narrow, less than the height of an average adult.

16. A 5-metre-wide wildlife area would be more appropriate. It should be planted as a mosaic of habitats including patchy scrub and species rich grassland appropriate for a coastal area. An appropriate maintenance plan should be agreed to keep this area from becoming overgrown.

17. Cherry laurel and rhododendron were found on site. They are both invasive non-native species and should be removed so that they don't spread further on this site or onto neighbouring properties.

18. As recommended by the Ecological Appraisal and Supplemental Ecological Response a CEMP will be needed and can be conditioned to ensure that all ecological features are protected and pollution is controlled during the construction phase. The biodiversity enhancements recommended in these reports are appropriate and should be implemented.

SuDS

19. In the technical summary the Flood Risk Assessment Report by CEP states that "surface water will be discharged to ground and will include an overland exceedance flow route to the beach at the southwest site boundary. Is it possible for this exceedance flow to be directed towards York Road and into the surface water sewer system shown in the photo on page 12 of the PDAS rather than towards the beach where it might contribute to further erosion?"

20. Permeable paving is discussed for the drive in section 6 of this report, with a 150 mm sub base. The Preliminary Drainage Strategy Plan in Appendix 7 of this report shows two areas of permeable paving (labelled voided sub base), one is the drive, and the other on the southern side of the building. This needs to be updated with a current site layout proposal from the current application.

Are both areas of permeable paving still planned in the updated 2 layout? Appendix 7 also mentions an infiltration blanket structure and a weir overflow control. More information is needed on these features, their construction and position in the scheme.

21. The recommendations in the Arboricultural Impact Assessment and BS5837 Tree Survey report (June 2020) are to route rainfall back under the suspended slab with a c 50 mm diameter perforated pipe running back and forth along the ground contours at 1 m separation to provide rainwater and air to the tree roots. This needs to be incorporated into the updated Drainage Strategy Plan so that all surface water flows are clearly shown and all proposed features are explained in detail.
22. **EBC Ecology** 17 August 2020 - The updated FRA (Aug 2020) shows a proposed area of voided sub-base in the garden extending through to where the wildlife buffer zone would be located. It is also an area which is vulnerable to cliff erosion since the cliff stabilisation proposal would be done in a different planning application. Specifications are needed for the three proposed drain and distribution tanks and construction details for the voided sub-base. How will this be done without affecting the stability of the cliff edge? It is still not totally clear where the permeable paving will be located in this amended design. Will it be only in the drive or will it be in the front of the house on the southern side as well? The updated FRA does not address the recommendations in the Arboricultural Impact Assessment and BS5837 Tree Survey report (June 2020) to route rainfall back under the suspended slab with a c 50 mm diameter perforated pipe running back and forth along the ground contours at 1 m separation to provide rainwater and air to the tree roots. Is this still under consideration? The Arboricultural Impact Assessment also shows the root protection zones of many of the trees would overlap with the proposed voided sub-base. How can the voided sub-base be installed below ground without affecting the tree root protection zones? This appears to be a situation where too many things are planned for the same very small area. More clarification is needed.
23. **Built Heritage Consultant** - Currently more of a fisherman's beach hut than a proper dwelling but still enough to live in, albeit the structure sub-standard by today's standards, one hardly notices the property due to a combination of the low profile and verdant growth, including the large trees which are a significant landscape feature in this part of the Netley Abbey Conservation Area. The prefabricated garage in particular which is also on the site, does nothing for the character of the area and its removal will be a positive benefit. The blocks of flats on the inland side of York Road, likewise unfortunately, do not make a positive contribution to the conservation area.
24. The most relevant policies to this application from a conservation perspective are 169.LB and 170.LB carried forward from the 2001-2011 Local Plan Review adopted in May 2006. As pointed out in the Design and Access Statement the proposal should preserve or enhance the character or appearance of the Conservation Area or its setting while not detracting from the character of the area. The mass, materials and form of the proposal should be in scale and harmony with the existing

and adjoining buildings. Demolition is essential to enable redevelopment, which will positively enhance the character of the Conservation Area.

25. This current iteration for the site is much closer in mass to the existing on the roadside, retaining a similar form of pitched roof over blackened elevations but of a superior standard with quality finishes to both elements. By utilising cladding similar in character to the existing and a zinc roof to replace the existing felt it raises the standard from glorified shed to real building, and one of some quality. The zinc could perhaps be of a darker colour to lessen its impact but otherwise no problem.
26. The landward side will retain the air of a fisherman's hut so often found by the sea-shore, particularly with the cladding to the darker end of the offered spectrum, and the seaward side will have the feeling of an artist's studio, again not out of place in this situation.
27. This proposal offers an imaginative solution to replacing a dilapidated structure with a building that will enhance this corner of the Conservation Area and prevent the current structure from being occupied by anyone without means. There will unfortunately be some disruption during construction but nothing like that which would have enabled the flats to be built and with modern elemental off-site construction methods and operative parking in the main road, the number of traffic movements along the private road can be minimised. No objection.
28. **EBC Tree Officer** - The site is significantly wooded, with several oaks and an understorey of holly. Immediately to either side of the site, there are further mature trees of both beech and oak. Whilst some of the trees are not in optimum individual condition, the trees have grown in a harsh environment and have been influenced by the weather coming from Southampton Water. The result is, therefore, a cohesive, characterful group of trees, which dominate the site. There are other similar copses of mature trees in either direction along the coast. The group provides significant public visual amenity and private views.
29. From an arboricultural point-of-view, the proposals are not a significant departure from the refused application: F/19/86252. In general, we are satisfied that the arboricultural proposals (outlined in the above document) are sufficient to protect the amenity of the site.
30. The report suggests the use of a suspended floor slab. This is satisfactory, but details do not appear to be contained within the case files and these would be required. Further, formal plans of the water diversion system must be submitted as per the suggestion contained within the report, pre-commencement, and included in the drainage strategy, as per Ecology comments.
31. A significant and extraordinary amount of supervision will be required during construction in order to protect the retained trees from accidental damage. We would request a detailed supervision timetable, pre-commencement, and an agreed process and timetable for supervision report submissions.

32. With the loss of T2, the report suggest that it can be replaced. We would like to see tree replacement plan, precommencement. This could be contained within a general landscaping plan.

33. Avoidance of nuisances from the tree - We would like to see more formal plans of how to avoid minor issues, such as blocked gutters, and tree maintenance. The report makes suggestions, but we would require a more formal plan of action.

34. If the above can be supplied, and along with adherence to the arboricultural report, we raise no arboricultural objection to the proposed development, subject to conditions (outlined above):

35. **Hound Parish Council** – Objection, minutes were supplied by the Parish, and are summarised:

- *Members had issues with the demolition of a 1-bedroom dwelling as it was a converted garden shed.*
- *Felt the only way it got residential status was through lack of enforcement staff at EBC in previous years.*
- *The application was now very much reduced in size but there was nothing to address the erosion problem from the sea view.*
- *Concerns of the famous cliff that was eroding and would continue to do so.*
- *Concern that as more sea defences were built it would put more pressure on the main original cliff.*
- *Whoever redevelops the site would have to put in sea defences otherwise the property would be at considerable risk.*
- *By installing sea defences to protect the property (even though it is not part of the application) this would in turn jeopardize neighbouring properties by increased risk of erosion of their back gardens.*
- *The size of the plot was misrepresented in the application, it is only a little building and it is only a one third of a hectare, but it is significantly smaller than suggested.*
- *Other issues were around visual impact of the road facing elevation, the height and width of the roof area (increase in size) and if it was a large sheet of zinc it would be a reflective item, which may not be attractive in a preservation area. Also, the previous two storey application actually had a smaller frontage than the current single storey.*
- *The other issue was parking. The original application had two off-road spaces, the current one had a single off-road space with a garage. So if the garage was not used for a car that would be another vehicle on the highway on the narrow part of the road.*
- *There had been four landslides in the last month in the area where Chalcot was and the cliff erosion was quite serious now.*
- *Also, in the short term the disruption of the contractors, the building work and the parking would have an effect on the elderly people in Ross Mews. There is no parking for contractors, unless they park on*

private property - Ross Mews or Englefield Court. The building would need to remain as one storey with a flat roof.

- *Bees in the cliff were raised - and whether there were going to be any defences on the cliff.*
- *Felt that in time an application would be submitted for dormers in the roof. The street view would look very different.*
- *The development was too large (i.e. overdevelopment).*
- *The appearance of the proposed building, so was completely different to any neighbouring building so would be out of character.*
- *Unable to find evidence of proposed planting of a tree to replace the removed Oak tree. She expressed her concerns that by taking out the tree, this would put the entire site at risk as it was likely the living tree roots were helping to hold the cliff together.*

36. Marine Management Organisation - Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High-Water Springs mark. Works activities taking place below the mean high-water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high-water springs mark or in any tidal river to the extent of the tidal influence.

37. Environment Agency – No objection.

38. Natural England – No objection, subject to the submission and approval of a Construction Environmental Management Plan.

39. Winchester with Eastleigh Design Review Panel - In principle the Panel had no objection to the placement of a dwelling upon the cliff top despite being forward of the general building line and had no concern that the building would likely be visible from the water despite the tree cover. The revised 1 - 1 ½ storey scale was considered to be more appropriate for the site than the previous two storey scheme, despite the increased footprint of the structure. The lower height should assist in reducing the amount of crown lifting required to neighbouring trees, although a carefully thought out engineering solution for foundations will be required in order to ensure minimal harm to surrounding trees, which are important features of the conservation area.

40. It was considered that the revised design has the potential to be an elegant structure which would greatly enhance its immediate surroundings. However, the success of this will be entirely dependent upon well considered and thought-through detailing and materials, which ideally need to be worked up and agreed before planning permission is granted and specifically conditioned as part of that approval. This will ensure that the architect's vision is seen through to the final build and not watered down or compromised by misinterpretation of the elevational drawings, which currently have a simplicity which needs to be carried through to the built scheme.

41. It was suggested that the geometry of the plan be reviewed and simplified, as at present it is the orientation of the garage which appears to take precedent rather than the main living accommodation. It was also noted that this slanted geometry will result in some very awkward junctions, which will be difficult to detail in a manner which maintains the minimal elegance which is required of the design. In reality, the difference in angles/geometry would not be perceived and it was suggested that this be taken out of the scheme in order to rationalise the layout and form of the building. This in turn will limit the potential for difficult detailing having to be designed and constructed, as well as further enhance the idea of the crisp, minimal design which is envisaged.
42. As with the Panel's comments to the previous scheme, further consideration as to the building's relationship with its outside space is required. The internal environment will be all about the view out to Southampton Water. As such, the deck/terrace proposed needs to be part of the architecture and must be included on the drawings so that the full impact of the design can be understood and appreciated.
43. With some further rationalisation of the plans and careful thought as to how construction detailing and materials will be undertaken, the proposal has the potential to be a clean, crisp, refined and elegant piece of architecture which would integrate/blend with its setting.

Policy Context: Designation Applicable to Site

- Within Built-up Area Boundary
- Within Established Residential Area
- Within Designated Conservation Area – Netley Abbey
- Adjacent to Special Protection Area & Ramsar – Solent and Southampton Water
- Adjacent to Site of Special Scientific Interest – Lee-on-the-Solent to Itchen Estuary
- SINC – Netley to Hamble Shore

Development Plan Saved Policies and Emerging Local Plan Policies

Eastleigh Borough Local Plan Review (2001-2011) Saved Policies:

- 20.CO – Landscape Improvements
- 22.NC – Sites of Special Scientific Interest
- 23.NC – Sites of Importance for Nature Conservation
- 25.NC – Biodiversity
- 26.NC – Biodiversity Enhancement
- 28.ES – Waste Collection and Recycling
- 32.ES – Pollution Control
- 34.ES – Energy and Climate Change
- 36.ES – Lighting
- 40.ES – Southampton Water and River Hamble Estuary

- 45.ES – Sustainable Drainage
- 59.BE – Promoting Good Design
- 104.T – Parking
- 169.LB – Conservation Areas
- 170.LB – Demolition in Conservation Areas
- 171.LB – Setting of Development in Conservation Areas

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014

44. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

Submitted Eastleigh Borough Local Plan 2016-2036

45. The 2016-2036 Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020. The Council is progressing with modifications to the Local Plan to enable its adoption, anticipated in late 2020/early 2021. Given the status of the Emerging Plan, it is considered that overall moderate weight can be attributed to it. The most relevant policies are:

Strategic policies:

- S1 (Sustainable Development);

Development Management policies:

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM3 (Adapting to Climate Change);
- DM5 (Managing Flood Risk);
- DM6 (Sustainable Surface Water Management and Watercourse Management);
- DM8 (Pollution);
- DM10 (Water and Wastewater);
- DM11 (Nature Conservation);
- DM13 (Transport);
- DM14 (Car Parking);
- DM23 (Residential Development in Urban Areas);
- DM31 (Access Standards);
- DM32 (Space Standards);
- DM40 (Funding Infrastructure).

Supplementary Planning Guidance and Documents

- Netley Abbey Conservation Area Appraisal and Management Proposals (January 2010)
- Quality Places (November 2011)
- Residential Parking Standards (January 2009)
- Biodiversity (December 2009).

National Planning Policy Framework

46. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.
47. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

National Planning Practice Guidance

48. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Comment on Consultation Responses and Representations Received

49. Responses to most planning related comments made are given below. However, several other issues have been highlighted:
- Existing property has never been used as a permanent residence: - For planning purposes this makes little difference to the acceptability or otherwise of replacing the existing dwelling. Whilst there does not appear to be a record of any planning approval having been granted for the existing structures on site, this is not unusual given their age. It also appears that the site has been used for residential purposes in excess of ten years and that Council Tax has been regularly paid, meaning that for planning purposes the site has an established residential use.
 - Disputed site area/plot size/site ownership: - the application is accompanied by a signed and dated Ownership certificate (Certificate A). The Application Form states the site area. The Local Planning Authority is

satisfied that the correct information has been submitted. It would be a civil matter between landowners if implementation occurred on land not in the applicant's ownership.

- Would only be used as a holiday home: - As discussed above, whether the proposed dwelling is used as a permanent residence or holiday home makes little difference in planning.
- Could set a precedent for similar proposals along the cliff top: - Whilst not an unreasonable concern, this cannot be used as a reason to consider refusal of a planning application. Any applications received for a similar proposal would be assessed on its individual merits.
- Site is accessed via a private road which could be damaged during construction (and ongoing usual servicing): - This would be a civil matter for the applicant to discuss with the relevant landowners.
- Could impact upon access to adjacent private right of way to the beach, 'Murray's Way': - Again this is a civil matter between the relevant landowners.
- Devaluation of neighbouring properties: - Whilst acknowledging that planning decisions can affect property values both up and down, this is not a material planning consideration and cannot be used to influence any planning decision. The same can be said of interrupting views.
- Risk of trespass: - Again, this is a civil matter and is not a planning consideration in this application.
- Would block television signal: - There is no evidence to suggest that this would be the case and is not a material planning consideration.
- Cliff erosion: - whilst an important matter is not a matter for consideration in this application. If planning permission is granted for this development, a condition will be applied preventing implementation until such times a separate planning permission is granted for local cliff stability works. Any impact on adjacent stretches of coastline would need to be assessed as part of a future application.
- General construction activity (including noise, parking, dust, hours of construction activity) will be conditioned. A Construction Management plan will be conditioned.
- Use of garage for further accommodation: - a condition will be applied to prevent the conversion of the garage without first obtaining planning permission.
- Foundation design, cliff erosion, tree impact, surface water design: - conditions are applied for these matters to be resolved in detail at a later stage.

Assessment of Proposal: Development Plan and / or Legislative Background

50. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

51. The site also lies within a Conservation Area and Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

“In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

Sustainable Development:

52. Section 2 of the NPPF (February 2019) states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

53. Achieving sustainable development means that the planning system has three overarching objectives – environmental, economic and social (which are interdependent and need to be pursued in mutually supportive ways) that should be delivered through the preparation and implementation of plans and the application of the policies in the Framework.

54. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

55. Each of the three dimensions of sustainable development is considered below.

56. National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the Environment. Details elsewhere in this report set out the Climate Change and Environmental implications of this application and their proposed mitigations.

57. The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to: the relevant planning policies and the principle of development; the form, layout and

design of that proposed; its impact upon the street scene and character of the surrounding Netley Abbey Conservation Area; impact upon trees; nature conservation and biodiversity; environmental sustainability; parking and highway issues; and the impact upon the amenity of neighbouring properties.

Principle

58. The site lies within the urban edge where the basic principle of development is acceptable. The site also lies within the Netley Abbey Conservation Area, where again the basic principle of development is acceptable but where there is a higher threshold for the quality of development considered appropriate. In simple planning principle terms therefore, the development or replacement of the existing property, 'Chalcot', is acceptable. However, any formal planning approval will be based on the design and impact of that proposed and whether it is considered to accord with the relevant saved policies of the adopted Eastleigh Borough Local Plan Review (2001-2011), and to a lesser extent, the Submitted Eastleigh Borough Local Plan 2016-2036. The relevant saved policies of the adopted plan and supplementary planning documents are set out in more detail below.
59. The site has several significant policy and physical constraints which will need to be appropriately addressed and responded to if any development is to be successful.
60. As set out above, the site lies within the Netley Abbey Conservation Area where saved Policy 169.LB of the adopted Local Plan applies. This policy requires any development within or affecting the setting of a designated conservation area to preserve or enhance the character or appearance of the conservation area or its setting, to not detract from the character of the area or street, be appropriate in terms of its mass, scale, design and materials, and to be sympathetic to existing buildings and the particular character of the area.
61. Also of relevance to the conservation area status of the site are saved Policies 170.LB and 171.LB. Saved Policy 170.LB states that demolition will not be permitted unless it can be shown that the building is wholly beyond repair, or incapable of beneficial use and that its removal or replacement would enhance the appearance of the area, or that its demolition is essential to allow an approved scheme which would enhance the character or appearance of the conservation area to go ahead. It is accepted that the existing structures on site need some improvement, although it is unclear at this point if they are "wholly beyond repair". Notwithstanding this, their removal would very likely help to enhance the character and appearance of the conservation area.
62. Saved Policy 171.LB relates to the setting of buildings with a conservation area. This states that "Applications for development which affect important townscape or landscape features in conservation areas will only be permitted where the qualities of those features are retained." This is of particular relevance in this instance given the prominence and importance of those trees

both on and immediately adjacent to the site, and the identification of this stretch of shoreline for landscape improvements as shown on the proposals map and covered by saved Policy 20.CO of the adopted Local Plan.

63. Encompassing all this is saved Policy 59.BE which requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, a satisfactory means of access and layout for vehicles, cyclists and pedestrians, to make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, and noise and fumes.

64. A further significant site constraint is its very close proximity to the shoreline which is covered by several nature conservation designations (SINC, SSSI, SPA & Ramsar). As such it would need to be demonstrated that any redevelopment of the site would not result in unacceptable harm to these important designations and habitat, particularly from construction, drainage and any associated sea defence works.

Environmental Sustainability:

65. There are several different components to Environmental Sustainability, including consideration of site-specific planning matters and the impacts of the development on its surroundings, which are considered below under the relevant subheadings.

Design and appearance

66. Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Comments of DRP

67. The Design Review Panel (DRP) have no objection to the proposals. A summary of DPR comments are as follows:

- The placement of a dwelling upon the cliff top despite being forward of the general building line is supported;
- No concern that the building would likely be visible from the water despite the tree cover.
- The revised 1 - 1 ½ storey scale is more appropriate for the site than the previous two storey scheme, despite the increased footprint of the structure;

- The lower height should assist in reducing the amount of crown lifting required to neighbouring trees, although a carefully thought out engineering solution for foundations will be required in order to ensure minimal harm to surrounding trees, which are important features of the conservation area;
- It was considered that the revised design has the potential to be an elegant structure which would greatly enhance its immediate surroundings. However, the success of this will be entirely dependent upon well considered and thought-through detailing and materials, which ideally need to be worked up and agreed before planning permission is granted and specifically conditioned as part of that approval. This will ensure that the architect's vision is seen through to the final build and not watered down or compromised by misinterpretation of the elevational drawings, which currently have a simplicity which needs to be carried through to the built scheme.

68. The DRP suggested that the geometry of the plan be reviewed and simplified, as at present it is the orientation of the garage which appears to take precedent rather than the main living accommodation. The applicant has confirmed subsequently that this change cannot be absorbed due to the existing site constraints.

69. The DRP also noted that the slanted geometry will result in some very awkward junctions, which will be difficult to detail in a manner which maintains the minimal elegance which is required of the design, and that in reality, the difference in angles/geometry would not be perceived and it was suggested that this be taken out of the scheme in order to rationalise the layout and form of the building. Further, this in turn will limit the potential for difficult detailing having to be designed and constructed, as well as further enhance the idea of the crisp, minimal design which is envisaged. Whilst the Panel's comments are noted, it is considered that detailing can be conditioned that would secure the overall design rationale without compromise. Further comments of the DRP could be sought on future details, as well the Council's Urban Design and Heritage Officers.

70. The DRP requested further consideration as to the building's relationship with its outside space. As such, the deck/terrace has now been included in the drawings but is conditioned for further detailed work.

71. The DRP noted that with some further rationalisation of the plans and careful thought as to how construction detailing and materials will be undertaken, the proposal has the potential to be a clean, crisp, refined and elegant piece of architecture which would integrate/blend with its setting.

Comments of Built Heritage Officer

72. A summary of the Built Heritage Officer comments are as follows:

- Demolition is essential to enable redevelopment, which will positively enhance the character of the Conservation Area.
- This current iteration for the site is much closer in mass to the existing on the roadside, retaining a similar form of pitched roof over blackened elevations but of a superior standard with quality finishes to both elements. By utilising cladding similar in character to the existing and a zinc roof to replace the existing felt it raises the standard from glorified shed to real building, and one of some quality. The zinc could perhaps be of a darker colour to lessen its impact but otherwise no problem.
- The landward side will retain the air of a fisherman's hut so often found by the sea-shore, particularly with the cladding to the darker end of the offered spectrum, and the seaward side will have the feeling of an artist's studio, again not out of place in this situation.
- This proposal offers an imaginative solution to replacing a dilapidated structure with a building that will enhance this corner of the Conservation Area and prevent the current structure from being occupied by anyone without means. There will unfortunately be some disruption during construction but nothing like that which would have enabled the flats to be built and with modern elemental off-site construction methods and operative parking in the main road, the number of traffic movements along the private road can be minimised. No objection.

73. Overall, and taking the above design comments into a balanced consideration, as an individual piece of architecture that proposed is considered acceptable and is considered to be an improvement over that previously refused planning permission - by way of reduced height and bulk, and by the promotion of an interesting design and materials palette that would sit well within the street scene, whilst maximising the outlook to Southampton Water. From this angle, looking towards the site, the proposed western elevation being glazed will be simple and modern - and quite striking - but one, considering other recent development in the locality, not be wholly out of character. Indeed, it would add interest and would enhance the character of the conservation area. Further details will be required to ensure the integrity of the design is maintained throughout the detailed design phase.

74. As highlighted by the Design Review Panel response, the scale of that proposed has been reduced from the previous (refused) scheme, and the form simplified, but retains interest. The materials reflect those of the existing cabin, read as a good quality palette – and would express the idea of the site's former use as either a lookout post or fisherman's cabin.

75. In terms of the site layout, this version of the scheme has been stretched in width but reduced in height (when read from the road) from that previously refused - however this does not detract.

76. The depth of its footprint has been increased, and the site built coverage, bringing it closer to the cliff edge. Not only would this further squeeze the margin available for wildlife purposes at the edge of the cliff but also likely result in engineering works closer to the cliff edge, raising concerns for its

stability. However, it is likely that there is an appropriate engineering solution which would limit possible impact, and conditions can suitably secure full details including those for ecology and landscaping.

Character

77. The application site sits within 'Area 9' of the Character Analysis section of the 'Netley Abbey Conservation Area Appraisal and Management Proposals' Supplementary Planning Document (SPD), which was adopted in January 2010. This covers the area between Victoria Road and the shoreline and "is an area of distinctive villa type houses set in generous gardens that can accommodate mature trees. The houses are substantial Victorian brick-built villas with slate roofs served by two unadopted private roads – Manchester Road and York Road. To maintain this character sub-division or extension of houses needs to be avoided" (para. 3.36).
78. Within the Management Proposals section of this SPD it goes onto state, "New development should follow existing plot ratios, with modestly sized properties in spacious plots. New development should be in accord with the prevailing form of historic development, including the relationship of buildings to the street. New development should not impinge on the setting of existing buildings. New development should use materials which are traditional to the conservation area and be of high quality (the use of uPVC, aluminium, concrete tiles or other non-traditional materials is not considered appropriate). New development should protect important trees, hedges and other established boundaries" (para. 4.11)
79. Whilst it is accepted that Chalcot has been in situ for a considerable number of years, it is somewhat of an anomaly when looking at the prevailing pattern and character of development along this stretch of the coastline. All development between Beach Lane to the north and Malmesbury Court to the south, is set well back from the cliff/shore edge – even the recent developments off Beach Lane – and follows a clear 'building line', with nothing other than Chalcot sitting in front of it. This set back provides a soft transition between the shore and built development. At present Chalcot and its associated structures have a minimal impact upon the appearance and character of the conservation area, principally due to the very modest single storey nature of the structures, as well as the slightly overgrown boundary planting making it difficult to see.
80. It should be noted that in character terms, higher rise, modern, flatted development is located in the immediate vicinity to the north-east of the Chalcot which is at variance to the Victorian villas character mentioned in the SPD. The area has a mixed character, not all present day structures are considered to add positively to the character of the conservation area.
81. At Chalcot, the construction of anything greater in height and footprint will have an impact upon the immediate area's character, particularly when viewed from the water which is perhaps a more open aspect than when viewed from the land. This soft transition between the shore and built

development has allowed for significant trees to grow along the cliff edge, further softening the transition. These groups and lines of trees are the most prominent feature when viewing Netley from the water and form an important part of the coastline along the northern side of Southampton Water all the way from Hamble up to Weston Shore. They also help to soften the impact and visual prominence of built development when viewed from the water. Whilst it is acknowledged that there is an intention to retain trees and boundary planting, there will inevitably be a requirement to remove or thin out a considerable amount of undergrowth and planting, as well as undertake tree works to give sufficient clearance for the building proposed. This thinning of the existing planting would not only result in opening the site but also making any structures upon it much more visible. Whilst this may not be such an issue in terms of impact upon the conservation area with the existing timber cabin on site due to its modest size and single storey form, the increased height, bulk and scale of that proposed would be clearly noticeable and appear as somewhat of an anomaly so close to the cliff edge and well forward of the established building line.

82. The quality of the design, and its reduced height is considered to outweigh the harm caused by building forward of the established building line and hence the variance to the pattern of development.
83. The proposals would be visible, and they will have an impact upon the character and setting of this part of the conservation area – this is not disputed, but the design is considered to be of good quality, would be an interesting design replacement over the existing, and therefore would accord with the aim and intentions of saved Policy 169.LB of the adopted Local Plan, which requires any development within or affecting the setting of a designated conservation area to preserve or enhance the character or appearance of the conservation area or its setting, to not detract from the character of the area or street, be appropriate in terms of its mass, scale, design and materials, and to be sympathetic to existing buildings and the particular character of the area.

Trees

84. Any development which requires the loss or prejudices the health or long term viability of trees within a conservation area, or which would have a negative impact upon the visual amenity and character of the conservation area would be contrary to saved Policies 20.CO, 59.BE, 169.LB and 171.LB of the adopted Local Plan and the Netley Abbey Conservation Area SPD. As has been discussed above, trees along the cliff top are a very important part of the conservation area's character and that of this stretch of coastline. The potential impact upon the trees on and adjacent to the site has been a significant concern, both in terms of construction of the dwelling and the likely future pressure for unnecessary works or even felling of trees due to the impact of shading, leaf drop, etc. In order to address these concerns a detailed arboricultural impact assessment and method statement has been submitted in support of the planning application. This has been reviewed by the Borough's Tree Officer who has set out a number of planning conditions

regarding appropriate protection measures and construction techniques are used. It would be technically possible to construct the proposed dwelling without resulting in undue harm to these important trees. Whilst some specific construction details and future management proposals are likely to be required before any works on site commenced, these can be secured via planning conditions. On balance, the proposals are acceptable in light of these conditions and controls.

Nature Conservation & Biodiversity

85. An ecological appraisal has been submitted in support of the planning application which has been reviewed by the Borough's Ecologist. Whilst the recommendations of this appraisal are broadly accepted, it is considered that more could be done to protect and enhance the important cliff edge habitat by widening the proposed habitat corridor and introducing more native planting suitable for the harsh coastal environment. There will also be a requirement to ensure that the sensitive shoreline habitat, which is subject to a number of nature conservation designations, is protected during the course of demolition and construction works, as well as ensuring that drainage for the site is appropriately dealt with and not directed over cliff edge onto the shoreline. The details of all these measures can be secured via suitable planning conditions.
86. The issue of new development achieving 'Nutrient Neutrality' is a matter that the LPA is required to address.
87. The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the coastline and their sea. There are high levels of nitrogen and phosphorus input into this water environment with sound evidence that these nutrients are causing eutrophication at the designated sites (Solent & Southampton Water Special Protection Area (SPA) and Ramsar site and the Solent Maritime Special Area of Conservation (SAC)). These nutrient inputs are currently caused mostly by wastewater from existing housing and agricultural sources. The resulting dense mats of green algae are impacting on the Solent's protected habitats and bird species. There is the potential for future housing developments (which involve a net increase in dwellings) across the Solent region to further exacerbate these impacts and thereby create a risk to the potential future conservation status of the Solent Complex and the features for which it is designated, therefore acting against the stated conservation objectives of the European sites.
88. Natural England have advised that there is currently uncertainty over whether mitigation will be required when delivering new residential development to address the existing levels of nitrogen and phosphorus input to the water environment. In light of this, and to provide confidence that the development will be deliverable, it is Natural England's advice that proposed residential

developments achieve nutrient neutrality. To this end, Natural England have published methodology to calculate nitrate levels and produce a 'nutrient budget' regarding the existing and predicted levels of nitrates leaching into the water environment. This budget should be able to demonstrate no increase in nutrients, known as "nutrient neutrality". Where an increase in nutrient levels is expected, Natural England advise mitigation should be provided to offset this increase and ensure the protected habitats are protected, prior to issuing a decision. Following recent case law, the LPA are no longer able to condition mitigation details be provided post permission being granted.

89. Natural England has been consulted on the application and has no objection to the proposals subject to conditioning a CEMP. A HRA was not undertaken in this instance as the proposals are for a replacement dwelling.

Environmental Sustainability

90. The Council's 'Environmentally Sustainable Development' SPD requires all new dwellings to meet a minimum of code level 4 of the Code for Sustainable Homes together with a number of other mandatory requirements on water and energy conservation. However, the code has now been revoked with the intension that these requirements will be assessed by Building Regulations. Notwithstanding this, it is Council policy that any new dwellings must meet the equivalent of Code Level 4 with regards to water and energy conservation. This could be secured via a planning condition.

Parking & Highway Issues

91. Parking and damage to York and Manchester Roads have been raised as a concern by those commenting on the application. With regards to parking, it is intended that 2no.on-site spaces would be provided, one on the floor slab of the existing garage which would be removed to the side of the dwelling and a further space to the other side of the dwelling. This would meet the requirements of the Council's 'Residential Parking Standards' SPD for a two bedroom dwelling. It should also ensure that there would be no need for vehicles to park on the street thereby maintaining access for neighbouring residents.
92. With regards to damage to York and Manchester Roads, which are private unadopted streets, whilst there is the potential for these roads to be damaged by the movement of heavy goods vehicles and construction plant, this is a civil matter between the applicant and the relevant land owners of the private streets in question. It would be very difficult for the Local Planning Authority to control the use of these streets for access to the site and to insist that any damage caused is repaired. However, the authority would encourage the applicant to enter into discussions with the relevant parties to ensure that an agreement can be reached as to how this matter can be suitably dealt with potentially through a pre and post development condition report. Equally, the applicant would be encouraged to discuss with adjoining land owners how and where deliveries and storage of materials and equipment would be undertaken, as well as where contractors would park during building works.

Amenity

93. Whilst concerns have been raised that the proposed development would result in loss of privacy, light and outlook to existing neighbouring properties, due to the orientation, proximity and relationship of that proposed to neighbours, as well as the nature of the development proposed, it is not considered that there would be any adverse or unacceptable impact upon the residential amenity of any neighbouring properties. Whilst the concerns with regards to loss of views over Southampton Water are noted, the loss of a private view, as opposed to a loss of outlook, is not a material planning consideration.
94. With regards to the amenity of future occupiers of the proposed development, despite being underneath the crown spread of some sizable trees, sufficient natural light would be available. Usable external amenity is low, and this could reduce as the cliff erodes. Notwithstanding this, the open views available over the water would help to mitigate any future loss of external amenity area.
95. As such the application is considered to accord with the amenity requirements of saved Policy 59.BE of the current Local Plan, Policy DM1 of the Submitted Local Plan and the Council's 'Quality Places' SPD.

Economic Sustainability:

96. Section 2 of the NPPF, when discussing economic sustainability, seeks to 'help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure'...
97. On balance, it is considered that there is a minor economic benefit to the proposed scheme (development supply chain benefits) and therefore it may be considered economically sustainable.

Social Sustainability:

98. Chapter 5 of the 2019 NPPF 'Delivering a Sufficient Supply of Homes' states that, 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.
99. On balance, it is considered that there is a minor social benefit to the proposed scheme and therefore is may considered socially sustainable.

Human Health:

100. Human health relating to noise and ground conditions has been considered and no significant adverse effects are likely. Conditions are recommended where necessary. The traffic and air quality impacts or any other possible impacts are also not considered significantly harmful to human health.

Planning Obligations / Considerations:

101. As a replacement dwelling there would not be a requirement for any form of planning obligations to be secured.

Equalities Implications:

102. 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.

103. 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.

Conclusion

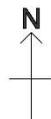
104. With careful detailed design execution, and to this end - further details secured prior to determination, the design is considered to enhance the character and appearance of the conservation area.

105. The recommendation is to Permit subject to the above and other conditions, including no implementation of the planning permission until such times planning permission is granted for local cliff stabilisation works.

CHALCOT, YORK ROAD, NETLEY ABBEY, SO31 5DD



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Department:	Department
Date: 24/11/2020	Scale: 1:1250