

BHH – Bursledon, Hamble and Hound Local Area Committee Thursday 24 September 2020.

**Application Number:** F/20/87411  
**Case Officer:** Craig Morrison  
**Received Date:** Monday 17 February 2020  
**Site Address:** Netley Central Sports Club, 24 Station Road, Netley Abbey, Southampton, SO31 5AF  
**Applicant:** Bradley Whitman  
**Proposal:** Construction of 2no. semi-detached four-bedroom dwellings with allocated parking, with an altered access from New Road. Existing parking retained at rear of the site for use by sports club users.

**Recommendation:** **Delegate to the Head of Housing and Development to Permit subject to a Planning obligation that resolve the following**

- Secures daytime public access to the remaining on-site car park.
- Secures a contribution towards the Solent Recreation Mitigation Strategy
- Secures mitigation of the impact from additional nitrates on the Solent and Southampton Water SPA.

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#### **CONDITIONS AND REASONS:**

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: 28086-PD500 Rev A, 28086-PD510, 28086-PD515 Rev A, 28086-PD520 Rev A.

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

- 2 The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 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) measures to control the emission of dust and dirt generated by demolition and construction works, including measures to prevent mud on the highway;
  - b) a scheme for controlling noise and vibration from demolition and construction activities [including details of any piling];
  - c) 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].

Reason: To limit the impact the development has on the amenity of the locality and highway safety in accordance with Saved Policies 32.ES and 104.T and Policies DM8 and DM13 of the Emerging Eastleigh Borough Local Plan (2016 - 2036).

- 4 No above DPC level shall start until the following details have been submitted to and approved in writing by the Local Planning Authority:
- a) details and samples of the materials to be used in the construction of the external surfaces of the building.
  - b) the alignment, height and materials of all walls, fences and other means of enclosure
  - c) the details and layout of foul sewers and surface water drains.
  - d) plans including cross sections to show proposed ground levels and their relationship to existing levels both within the site and on immediately adjoining land.
  - e) width, alignment, gradient, sight lines and type of construction proposed for any roads footpaths and accesses.
  - f) the provision to be made for the parking of vehicles including measures to distinguish residents parking from public car parking spaces.
  - g) a landscaping scheme to cover all surfacing, trees and planting .

The development shall not be occupied until the approved details have been fully implemented .

Reason: To limit the impact the development has on the locality in accordance with Saved Policy 59.BE of the Eastleigh Borough Local Plan (2001 - 2011) and Policy DM1 of the Emerging Eastleigh Borough Local Plan (2016 - 2036). .

- 5 No development shall start until details for the sustainable disposal of surface water 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 in accordance with Saved Policy 34.ES of the Eastleigh Borough Local Plan (2001 - 2011) . This condition is required prior to commencement to ensure that construction does not prejudice the ability to deliver the most suitable scheme.

- 6 No work shall commence on site until the following has been submitted to, and approved in writing by the Local Planning Authority: (a) Report of preliminary investigation comprising a Desk Study, Conceptual Site Model and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Reports Nos. 11 CLR11, and BS10175:2011+A2 2017 Investigation of potentially contaminated sites Code of Practice, and, unless otherwise agreed with the Local Planning Authority; (b) A report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation in accordance with BS10175:2011+A2 2017 and BS8576:2013, and, unless otherwise agreed with the Local Planning Authority; (c) A detailed site specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To minimise the risk from land contamination for public safety in accordance with Saved Policy 32.ES of the Eastleigh Borough Local Plan (2001 - 2011) and Policy DM8 of the Emerging Eastleigh Borough Local Plan (2016 - 2036). This condition is required prior to commencement to ensure that the development, including clearance, of the existing site does not result in an impact on public safety.

- 7 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority verification by the competent person approved under the provisions of the above condition A(c) that any remediation scheme required and approved under the provisions of the above condition A(c) has been implemented in full in accordance with the approved details (unless varied with the written permission of the local planning authority in advance of implementation). Unless agreed in writing with the local planning authority such verification shall comply with the guidance contained in CLR11 and EA guidance for the safe development of housing on land affected by contamination - R&D Publication 66:2008. Typically such a report would comprise:(a) A description of the site and its background, and summary of relevant site information (b) A description of the remediation objectives and remedial works carried out (c) Verification data including - sample locations/ analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc (d) Certificates demonstrating that imported and /or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the approved scheme under condition A(c).

Reason: To minimise the risk from land contamination for public safety in accordance with Saved Policy 32.ES of the Eastleigh Borough Local Plan (2001 - 2011) and Policy DM8 of the Emerging Eastleigh Borough Local Plan (2016 - 2036).

- 8 Prior to the occupation of any dwelling or, in accordance with a timetable to be agreed in writing with the Local Planning Authority, as built stage SAP data and as built stage water calculator confirming energy efficiency and the predicted internal mains water consumption to achieve the following shall be submitted to and approved in writing by the Local Planning Authority: In respect of energy efficiency, a standard of a site wide 19% improvement of dwelling emission rate over the target emission rate as set in the 2013 Building Regulations; In respect of water consumption, a maximum predicted internal mains water consumption of 105 litres/person/day.

Reason: To support a comprehensive approach to high quality design across the site; in line with the guidance set out in the Government's Ministerial Statement of 25 March 2015 which states that Local Planning Authorities should, from the date of its publication, take into account the government's intentions in the statement and not set conditions with requirements above a Code level 4 equivalent

- 9 No development above DPC shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by The Local Planning Authority. Once approved the measures set out in the Approved Biodiversity Enhancement Strategy shall be implemented prior to first occupation the dwellings hereby approved.

To protect and enhance biodiversity in accordance with Saved Policy 25.NC of the Eastleigh Borough Local Plan (2001 - 2011), Policy DM11 of the Emerging Eastleigh Local Plan (2016 - 2036) and guidance contained within the NPPF.

- 10 The first floor windows on the side elevations as marked on the approved plan shall be obscure glazed to Pilkingtons level 3 or equivalent and non-opening below 1.7 metres above the floor of the room in which they are installed. Once installed the windows shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the adjoining residential properties in

accordance with Saved Policy 59.BE of the Eastleigh Borough Local Plan (2001 - 2011) and Policy DM1 of the Emerging Eastleigh Borough Local Plan (2016 - 2036)

- 11 No unit hereby approved shall be occupied until such time as the garages and parking spaces and other service facilities for that unit, including bin stores, cycle stores, vehicle turning areas, garden boundary treatments and access paths, have been fully provided in accordance with the approved plans. The garages and parking spaces shall be retained at all times for residents parking.

Reason: To ensure the parking and other supporting infrastructure is available for residents of each unit from the time of first occupation.

- 12 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.

- 13 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.

- 14 No driven pilling shall take place on the development hereby permitted.

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

- 15 Notwithstanding the provisions of the Town and Country Planning [General Permitted Development Order] 2015, [or in any provision equivalent to that Class[es] in any statutory instrument revoking and re-enacting that Order with or without modification] no access other than that showed on the approved plan shall be formed to the site.

Reason: In the interests of highway safety in accordance with Saved Policy 102.T of the Eastleigh Borough Local Plan (2001 – 2011) and Policy DM13 of the Emerging Eastleigh Borough Local Plan (2016 – 2036)

- 16 No Development shall Take Place until an application under Section 278 of the Highways Act 1990 has been made to the Highways Authority for the amended access road. The development shall not be occupied until the access has been provided fully in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Saved Policy 102.T of the Eastleigh Borough Local Plan (2001 – 2011) and Policy DM13 of the Emerging Eastleigh Borough Local Plan (2016 – 2036)

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (February 2019), 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: A subsequent S278 approval will be required prior to implementation of the new access, and this will require additional information such as formal engineering drawings to be submitted. This may result in updates being required which could affect the approved layout, and as such early engagement with the S278 team would be advised. Details of the S278 process can be found via the following link: <https://www.hants.gov.uk/transport/developers/constructionstandards>

Note to Applicant: The formation of the new access will require the removal of the existing telegraph pole. Permission must be sought in order to relocate this from the utility company.

### **Report:**

This application has been referred to Committee because it is considered to be controversial and the application has been called in by Cllrs Cross, Airey

### **Site Characteristics and Character of the Locality**

The application site consists of the existing car park which is located to the rear of the social club on Station Road, the car park has 24 marked spaces adjacent to New Road and a larger area of unmarked space used for parking towards the rear of the social club. The access to the car park is from New Road between the Salon and the residential property at 67a.

The boundaries of the site are formed by the hedge on the boundary of 67a and on the opposite side by the return wall of the adjacent Salon building and the rear of the social club. The rear boundary consists of the boundary fence of 26 Station Road.

### **Description of Application**

The application proposes the construction of 2no. semi-detached two storey three-bedroom dwellings with allocated parking, with an altered access from New Road. Existing parking is to be retained at rear of the site for use by sports club users.

The scheme has been amended since its submission to lower the roof of the proposed dwellings in line with neighbouring properties and has removed the rear facing dormers. The dwellings would have a pyramidal slate roof and walls constructed of red brick with contrasting buff detailing. To the rear of the properties would be gardens for the properties and beyond that 2 allocated car parking spaces and a visitor space.

The existing access to the car park would be located adjacent to the existing hedge on the boundary with 67a with an access track measuring 4 metres in width leading to the residents and public car park for the social club to the rear.

It is proposed to allow access to the 16 spaces being retained to the rear of the social club during daytime hours. Legal agreement Heads of Terms have been provided that offers access to the public during the hours of 7am and 6pm Monday to Friday (excluding bank holidays) and 7am – 1 on other days including Weekends and Bank Holidays.

The application is accompanied by the following reports and technical assessments:

- Transport Assessment
- Parking Survey and Access Technical Note
- Preliminary Ecological Appraisal
- Design and Access Statement
- Nitrates Assessment

The proposal has been screened out under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 due to the scale of development

Screening under the Habitats Directive was required due to the impact of recreation and nitrates on the Solent and Southampton Water SPA.

### **Relevant Planning History**

F/20/86454 - Erection of 2No. four bedroom town houses and 6No. Bungalows with new access from New Road - Withdrawn

### **Representations Received**

9 Letters of objection received raising the following matters

- Lack of Infrastructure
- Too much new development
- Together with other developments in the area will have an impact on local roads
- Lack of parking and blocking of existing driveways
- Ignoring of yellow lines on Station Road causes traffic problems
- Insufficient car parking resulting in parking on pavements and in front of driveways
- Adverse impact on existing shops and facilities through lack of parking
- Rubbish collection on Station Road would be visually and environmentally unacceptable
- Nutrient assessment demonstrates insufficient levels of wastewater nitrogen load

- Tandem spaces will be inconvenient, and occupiers will park on New Road instead
- Who will maintain the boundaries and hedges
- Hedge will restrict visibility
- Vehicles turning left would cut across the existing dropped kerb at 67a New Road
- Telegraph pole will need to be relocated
- Application does not show right of way alongside the club.
- Accident data does not reflect minor accidents that are not reported
- Buildings do not follow building line of 65 – 69 New Road.

## **Consultation Responses**

### ***Heritage officer – No Objection***

- Current car park appears as an unfortunate gap in the street-scene of New Road
- Due to its height will be more prominent therefore will require high quality materials including natural slates
- Windows should be set back from the outer face by at least 75mm.

### ***Ecologist – No Objection***

- Enhancements should be secured for birds and bats
- Permeable paving is acceptable however ground investigations should be undertaken before permission is granted in case surface water drainage needs to be redesigned.
- Retained hedgerow should be enhanced with native planting.

### ***HCC Highways – No Objection***

- Parking is compliant with EBC Residential Parking Standards
- Should the 16 space car park become full there is adequate on-street parking within 200m of the site which would not adversely impact the highway
- Details of the cycle store should be provided
- Requested that the 4 middle spaces should be widened to 3m
- Telegraph pole needs to be relocated
- A S278 agreement will be necessary for the changes to the access.
- Refuse servicing arrangement should be provided.

## **Policy Context and Designations Applicable to Site**

- Within Built-up Area Boundary
- Within Established Residential Area
- Adjacent Designated Conservation Area (Netley Abbey)
- Local Listed Building to the west (Netley Library)
- Within HRA Screening Area

## **Development Plan Saved Policies and Emerging Local Plan Policies**

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

- 1.CO (Countryside Protection);
- 24.NC (Protect species);
- 25.NC (Promotion of biodiversity);
- 26.NC (Protection of wildlife network);
- 28.ES (Waste collection and storage);
- 32.ES (Pollution control);
- 34.ES (Reduction of greenhouse gases/ Sustainable construction);
- 36.ES (Lighting design);
- 37.ES (Energy efficiency);
- 45.ES (Sustainable drainage);
- 59.BE (Design criteria);
- 62.BE (Access for people with disabilities);
- 66.BE (Information and communications technology);
- 72.H (Density);
- 74.H (Affordable Housing);
- 100.T (Transport criteria);
- 102.T (New accesses);
- 104.T (Off-highway parking);
- 147.OS (Public Open Space);
- 169.LB (Conservation area)
- 175.LB (Buildings of Local Importance)
- 190.IN (Infrastructure);
- 191.IN (Developers Contributions).

## **Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014**

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**

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);
- S2 (Promotion of New Development);
- S3 (Housing Locations);



- S12 (Transport Infrastructure).

Development Management policies:

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM3 (Adapting to Climate Change);
- DM5 (Managing Flood Risk);
- DM5 (Managing flood risk);
- DM6 (Sustainable Surface Water Management and Watercourse Management);
- DM8 (Pollution);
- DM10 (Water and Waste Water);
- DM11 (Nature Conservation);
- DM12 (Heritage Assets)
- DM13 (Transport);
- DM14 (Car Parking);
- DM23 (Residential Development in Urban Areas);
- DM26 (Creating a Mix of Housing);
- DM31 (Access Standards);
- DM32 (Space Standards);
- DM40 (Funding Infrastructure).

## **Hampshire Minerals and Waste Plan**

Policy 15 – Safeguarding of Mineral Resources.

### **Supplementary Planning Documents**

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Environmentally Sustainable Development (March 2009);
- Biodiversity (December 2009);
- Affordable Housing (July 2009);
- Planning Obligations (July 2008, updated 2010).

### **National Planning Policy Framework**

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. A deliverable 5-year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies. Agent of Change principles protect existing businesses.

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**

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.

### **Assessment of Proposal: Development Plan and / or Legislative Background**

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.

### **Principle:**

The site is located within the built-up area of Netley Abbey and therefore the principle of redevelopment is acceptable having regard to any detailed constraints. A number of concerns have been raised regarding the level of development taking place in Netley Abbey with particular issues raised on the level of traffic and ability of local facilities to cater for new residents. These are dealt with in later sections but, given the small scale of the development, the increase in residents in this area is not considered to result in a significant impact on the function of the highway or cause detriment to local services.

### **Sustainable Development:**

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.

Achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental (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.

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.

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

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.

### **Economic Sustainability:**

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'...

On balance, it is considered that there would be a minor but none the less positive economic benefit to the proposed scheme and therefore it may/may not be considered economically sustainable.

### **Social Sustainability:**

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'.

On balance, it is considered that there is a small social benefit to the proposed scheme, by virtue of the delivery of 2 open market homes in the context of a nationwide need to deliver additional housing. and therefore, is considered socially sustainable.

### **Environmental Sustainability:**

There are a number of 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 however it is considered that with conditions requiring the provision of biodiversity enhancement measures that the scheme would be environmentally sustainable.

### **Access, Parking and Transport Matters:**

Saved Policy 102.T requires new accesses to ensure the safety, function and standard of service of the road network. It is noted that there is an existing telegraph pole in the location of the proposed access. A condition is recommended that requires the access to be provided and the telegraph

pole removed before the development can be occupied or the car park brought into use.

At 4 metres in width the proposal would provide adequate room for 2 vehicles to pass. As the access road is flat and straight and the likely speed of vehicles using the access pedestrians would be able to safely use the new access or the existing path to the side of the social club to access the shops and facilities on station road.

Notwithstanding the concern regarding the conflict between the proposed access and neighbour's drive, adequate visibility splays are achievable from the access for vehicles turning into and out of the site such that the access would not result in harm to the safety or function of the local highway network.

Saved Policy 104.T requires development to provide parking to meet the relevant parking standard which is currently set out in the Residential Parking Standards SPD.

The residential element of the proposal provides 2 car parking spaces per dwelling and 2 visitor spaces. The second of the visitor spaces is considered to be unworkable however with the revised parking requirement only 1 space is required. An updated plan has been requested and an update will be provided once received.

A number of letters of objection have been raised in response to the loss of car parking on the site. The car park is owned by the Social Club, but an agreement was signed between Eastleigh Borough Council allowing the operation of the car park for the use of the general public. The agreement contained a clause requiring the operator to give notice to The Council to terminate the agreement. The club served notice on the council prior to the submission of this planning application and the use of the site as a car park accessible to the public has now ceased and the car park closed.

The application is supported by a parking survey which took place on roads within 200 metres walking distance of the site. This took in parts of New Road, Sea View Estate, Station Road and Monks Road. The survey was undertaken at 12:30pm on a Tuesday, and criticism has been advanced that the survey is not representative as many people may have been at work.

In terms of the impact on the village centre however it is considered that this time would take in the opening hours and lunchtime rush of many of the businesses that are present in the village centre and therefore it is

considered that as a representative survey for an application of this scale the survey is considered to be acceptable. For the previous application for 8 dwellings a further parking snapshot survey was undertaken on a Friday at 8.15pm. This showed that the car park, which was still open at that time, contained 17 cars. This was during a rainy day in February where people would be more likely to travel by car, it is therefore considered that this presents a reasonable worst-case scenario for the evenings.

While the loss of the car park for general public usage is regrettable, it is a privately-owned car park that the public have been allowed to use under agreement. The retention of the car park itself is not protected by policy and subject to compliance with arrangements within the agreement with the Council (not a material planning consideration) it can be closed. As demonstrated by the parking survey information provided the car park is a popular facility, but one that has some capacity for a reduction in spaces. Whilst the development would result in a reduction of spaces available the applicant has provided a plan indicating the remaining space to the rear of the Social Club, which is used as parking exclusively for the social club, can be retained for public use. A draft heads of terms has been provided which offers public access to the car park between 7am and 6pm Monday to Friday (Excluding Bank Holidays) and 7am to 1pm on Saturdays, Sundays and Bank Holidays.

The applicant has confirmed their agreement to enter into a section 106 agreement that would allow for the 16 spaces of the remaining car park to be retained and made available for public use in perpetuity. This would result in a net reduction of only 8 spaces, an improvement on the current situation whereby no spaces are available on the site and a betterment to the previous situation whereby the agreement between the Council and landowner could be, and was, terminated. A section 106 agreement may only be terminated or amended via an application to and permission given by The Council.

The County Council as the Highway Authority has confirmed that 8 car parking spaces can be accommodated within local roads without a detrimental impact on highway safety.

The proposal is considered to provide adequate levels of parking and subject to the completion of a legal agreement securing the public use of the car park during daytime hours would provide a betterment to parking availability in the area. The access and layout are considered to be safe for all users and would not result in an impact on the function or safety of the local highway network.

### **Design and Appearance:**

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.

The local area is characterised by dwelling of various ages and styles. Traditional Victorian terraced properties prevails on the north-eastern side of New Road with inter-war detached properties in the majority on the south-western side. Immediately to south of the site is an attractive double fronted detached Victorian cottage which, whilst not listed makes a strong contribution to the character of the area as does Netley Library, which is a single storey locally listed building on the corner of New Road and Station Road. Abbey Court and 67a and 67b New Road are more modern additions to the area which do not contribute positively to the character area due to their unsympathetic design. The existing car park itself is an alien feature in an otherwise enclosed streetscene representing an unfortunately gap in an urban setting.

Given that the area has a mix of architectural styles, some more successful than others, there are a number of options for the design of dwellings in this location. Given that the existing car park results in some harm to the character of the streetscene it is considered that a well-designed dwelling could enhance the character of this part of the streetscene and the contribution it makes to the setting of the Conservation Area. The dwellings have been reduced in height to match the ridges of the neighbouring properties and the rear dormers removed which will allow the dwellings to fit more comfortably with the streetscene and draw less attention.

The dwellings proposed take a simple traditional form, with a pyramidal hipped roof with 2 lead clad dormers to the rear and walls constructed in red facing brick, with buff brick contrasting courses above the ground and first floor windows. The dwellings use traditional style windows, albeit UPVC, with glazing bars which link to those used in the first floor of the adjacent corner building housing the Coop shop. The design of the building is considered to be of a higher status in historical terms which is not considered to be incongruous with its location close to the village centre. Provided that high quality materials are used, the heritage officer has made particular reference to the use of Natural Slate, which is reasonable, the design of the dwellings are considered to be sympathetic to the area.

### **Scale and Density:**

The area occupied by the dwellings proposed including their front and rear gardens and the parking spaces allocated to these dwellings is 0.043 hectares equating to an overall density of 46 dwellings per hectare for the residential aspect of the scheme. Saved Policy 72.H of the Eastleigh Borough Local Plan seeks to increase densities on sites well served by public transport and facilities up to and beyond 50 dwellings per hectare. Given that the site lies within the heart of Netley adjacent to the shopping area and schools and the train station are within 15 minutes walk of the site it is considered that the site achieves an acceptable density for the site.

The dwellings have been reduced in size to 3 bed roomed 5 person dwellings and at 100 square metres meets the nationally described spaces standards. The properties have sufficient garden sizes - 72% of the size of the dwelling in the case of plot 1 and 62% in the case of plot 2 thereby in compliance contained within the Quality Places SPD.

The design, layout and scale are considered to be an appropriate response to the site that would enhance the character of the streetscene in this village centre location in accordance with Saved Policy 59.BE of the Eastleigh Borough Local Plan and Policy DM1 of the Emerging Eastleigh Local Plan (2016 – 2036)

### **Residential Amenity:**

Saved policy 59.BE requires proposed development to avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

#### *Overlooking*

The proposal is separated from 67a New Road and other properties to the south by a mature hedgerow and separated by the relocated access road to the car park at the rear. To the front the property is separated by 21 metres from the nearest window in the front projection of 1-4 Victoria Mews. While the Quality Places SPD requires separation distances of 22 metres from rear facing windows it acknowledges that this distance can be reduced for front to front distances as an element of overlooking will be evident from the street level. At a minimum of 21m this is considered to be an acceptable distance that would not in an unacceptable level of overlooking. The distance to the rear of the site is approximately 35 metres, at such distance the Quality Places SPD acknowledges that privacy 'is achieved by remoteness'. It is therefore considered that the proposal would provide for an adequate level of privacy for neighbouring properties and future occupiers of the proposed dwellings.

### *Overshadowing.*

The dwellings proposed sit to the north of 67a and is separated by the relocated access road, it is not considered therefore that there would be a material loss of ambient light or direct sunlight to these properties. The remainder of the shadow would mostly be over the gardens of the proposed dwellings, the adjacent highway (New Road) and over the roof of the building to the north which contains a Salon. The level and impact of overshadowing is therefore considered to be acceptable.

### *Loss of Outlook*

Given the separation distances and orientation of neighbouring buildings as set out above it is not considered that any neighbouring properties would experience and overbearing impact from the dwellings proposed.

### **Conservation Area:**

The site lies adjacent Netley Abbey 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”.

It is considered that due to the layout and design of the development (as described above) that the proposal would enhance the setting of the conservation area and not cause detriment to the library building opposite, a building of local importance.

### **Landscape:**

Given the site's location close to the centre of the Netley and the scale of the dwellings proposed it is not considered that the proposal would have a material impact on the surrounding landscape and for reasons considered in the Design and Appearance section it is considered that the proposal is an appropriate response to the local townscape. A landscaping condition is recommended by condition and the proposal is therefore considered to be in accordance with Saved Policy 18.CO of the Eastleigh Borough Local Plan (2001 – 2011) and Policy DM1 of the Emerging Local Plan (2016 – 2036)

### **Noise, Air Quality and Land Contamination:**



Saved Policy 32.ES states that development will only be permitted if they have been designed to control the impact of air, land or water pollution to an acceptable level. It is accepted that without proper management that noise, dust and water pollution can become issues during construction. A condition requiring a Construction Environmental Management Plan is therefore recommended.

On the basis that the adjacent site is a hairdresser it is not considered that neighbouring uses or the level of traffic on New Road would result in a level of noise or air quality that would result in harm to the amenities of future occupiers.

Due to the previous use of the site as a car park there is the potential for the site to be impacted by contaminants and/or made ground. As such conditions are recommended to secure preliminary investigation, site investigation and a scheme for remedial works unless the investigation shows this not to be necessary. A condition is also recommended for the submission of a post-completion report demonstrating that the remediation has been completed successfully thereby negating harm from contaminated land to future occupiers.

With the conditions recommended the proposal is considered to comply with Saved Policy 32.ES of the Eastleigh Borough Local Plan (2001 – 2011) and Policy DM8 of the Emerging Eastleigh Borough Local Plan (2016 – 2036)

### **Drainage and Flood Risk:**

The application site is located within flood zone 1 and therefore at the lowest risk of flooding from rivers or the sea. As the site is under 1 hectare a flood risk assessment is not required.

The site is currently laid entirely to hardstanding therefore the removal of areas of hardstanding to be replaced by residential gardens will be of benefit to overall levels of surface water leaving the site. The applicant has indicated that surface water drainage will be dealt with via soakaways and sustainable drainage systems. Given the scale of the development and the betterment of the surface drainage on the site it is considered appropriate to resolve the detail of this system by condition. With conditions in place the proposal would comply with the requirements of Saved Policy 45.ES of the Eastleigh Borough Local Plan (2001 -2011) and Policy DM6 of the Emerging Eastleigh Borough Local Plan (2016 – 2036).

### **Ecology and Trees:**

The proposal is considered to result in a likely significant impact on a European Protected site (SPA, SAC or Ramsar) due to the impact of nitrates as discussed below. HRA (Habitat Regulations Assessment) screening was required for this development as it falls inside the designated zone of impact.

The site falls inside the 5.6km buffer zone for the Solent and Southampton Water Special Protection Area (SPA). In accordance with the Bird Aware Solent strategy a contribution of £637per 3 bedroomed dwelling is required to mitigate the increased recreational pressure resulting from the development. The recommendation is subject to resolution of this mitigation via direct payment or secured via a legal agreement.

As the site is currently laid to hardstanding it is considered that the provision of front and rear garden areas would provide a betterment to biodiversity, which would be improved with the use of native planting. A condition requiring a landscape scheme is recommended to achieve this.

A further condition is recommended to provide bird boxes and bat roosts and any other biodiversity enhancements within the development. With the above conditions in place the proposal would comply with Saved Policy 25.NC of the Eastleigh Borough Local Plan (2001 – 2011), Emerging Policy DM11 of the Emerging Eastleigh Borough Local Plan (2016 – 2036) and the requirement to provide biodiversity net gain as set out in Policy 170 (d) of the NPPF.

### **Nutrient Neutrality:**

The issue of new development achieving 'Nutrient Neutrality' is a matter that the LPA is required to address.

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.

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.

Through S106 obligations, mitigation off-site through the removal of land from agricultural use is provided and, as competent authority, Eastleigh Borough Council has undertaken the Appropriate Assessment on this basis with the conclusion that the impact can be satisfactorily mitigated. The applicant has committed to using the Hampshire and Isle of Wight Wildlife Trust scheme which if members are minded to permit the scheme will be secured by legal agreement.

### **Sustainability Measures and Climate Change:**

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.

The NPPF (paragraphs 95-99), Saved Policies 34.ES and 37.ES of the Local Plan, and emerging Policies S1, DM2 and DM3 of the submitted Local Plan require development to be sustainable in terms of resource use, climate change and energy use. In March 2015 a Ministerial Statement announced that the Code for Sustainable Homes would cease to be applied to new development, although the requirement to achieve the Code's levels for energy efficiency and water consumption remains. A condition requiring the new development to meet these requirements can reasonably be imposed and is recommended accordingly.

### **Planning obligation /considerations**

In line with ministerial statements and case law this development for 2 additional dwellings cannot require contributions towards affordable housing or tariff style contributions towards matters such as transport infrastructure. Excluded from this are contributions towards mitigating the direct impacts of

the development in terms of the impact of nutrients on the Southampton and Solent Special Protection Area and SAC, the applicant has suggested that they wish to use the scheme promoted by the Isle of Wight Wildlife Trust to mitigate this impact. A contribution of £1,274 will be required (£637 per 3 bedroom dwelling) in order to offset the impact of recreational pressure on overwintering birds in the Solent and Southampton Water SAC.

The applicant has confirmed their agreement to allow access to the remaining car park. As this will need to be secured in perpetuity outside the application site this will need to be secured by legal agreement.

The recommendation is subject to the application being delegated to the Head of Housing and Development to secure the above matters within a suitably worded planning obligation.

### **Other material considerations**

#### **The Council's Five-Year Housing Land Supply:**

Also of note is the latest position on the Government- required 5 year housing land supply. The published figure for November 2019 confirms that the Council currently has a 6.1 years supply.

#### **Equalities Implications:**

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

(1) 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.

### **Conclusion**

The proposal for residential development on this site is considered to be acceptable in principle as it is located in a sustainable location close to local facilities. The loss of the car park is a negative result, but one that currently can not be controlled via the planning process. However the offer of public access to, and use of, the remainder of the 16 spaces within the car park is a positive benefit and one that is to be secured by a planning obligation. The

proposed layout and design of the scheme is an enhancement to the Netley Abbey Conservation Area through the screening of the existing car park.

It is considered that the impacts on amenity, ecology, landscape and drainage are acceptable and the development would comply with the relevant Saved Policies of the Eastleigh Borough Local Plan (2001 – 2011) and the recommendation is therefore to delegate the decision to permit to the Head of Housing and Development subject to securing public access to the remainder of the car park and contributions towards the mitigating the development impact on protected sites.