

ELAC – Eastleigh Local Area Committee Tuesday 17 November 2020.

Application

Number: F/19/85629
Case Officer: David Huckfield
Received Date: 10/05/2019
Site Address: 103 Bournemouth Road, Chandlers Ford, Eastleigh, SO53 3ZJ
Applicant: Pickwick Estates
Proposal: Demolition of existing commercial building and construction of a part three-storey and part two-storey block of flats comprising of 6no. 2 bed units and 2no. 1 bed units, with associated parking, landscaping and access from Bournemouth Road (amended description).

Recommendation:

Subject to:

- i) **the receipt of outstanding consultations from Hampshire County Council Flood and Water Management and Southern Water in respect of surface water drainage and any necessary additions or amendments to conditions;**
- ii) **the completion of a Habitats Regulations Assessment for the development by the Local Planning Authority and the undertaking of subsequent consultation with Natural England; and**
- iii) **the applicant entering into a legal agreement to secure the required contributions towards nutrient neutrality.**

To Delegate back to the Head of Housing and Development in conjunction with the Chair and Vice Chair of Eastleigh Local Area Committee to PERMIT

CONDITIONS AND REASONS:

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: 7519/E01, 7519/E02, 7519/L01/A, 7519/D01/E, 7519/D02/B, 7519/D03/B, 7519/D04/B, 7519/D05/B, 7519/D06/D, 7519/D07/D, 7519/D08/D, 7519/D10 (Jul/20), 7519/D11 (Oct/20), 7519/D12 (Oct/20), 7519/D13/A, 161.5001.501.B, 619-102.

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 works shall commence until a Construction Environment Management Plan (CEMP), has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction shall only take place in accordance with the approved details which shall include:

- a) a programme and phasing of the demolition, construction and development works;
- b) the location and height of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;
- c) safeguards to be used within the construction process to ensure surface water contains no pollutants on leaving the site;
- d) safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site;
- e) the arrangements for the routing / turning of lorries and details for construction traffic access to the site;
- f) the arrangements for deliveries associated with all construction works, loading / unloading of plant & materials and restoration of any damage to the highway [including any vehicle crossovers where applicable];
- g) the parking of vehicles of site operatives and visitors;
- h) the protection of pedestrian routes during construction;
- i) management measures to control the emission of dust generated by demolition and construction works;
- j) a scheme, following assessment, for controlling noise and vibration impacts on noise sensitive properties from demolition, site preparation and construction activities (to include details of any piling if proposed);
- k) provision for storage, collection, and disposal of waste from the development during the demolition and construction period,
- l) measures to prevent mud and dust on the highway during demolition and construction; and
- m) the erection and maintenance of any security hoardings including any decorative displays and facilities for public viewing, where appropriate.

Reason: To limit the impact the development has on the amenity of the locality, neighbouring residents, and biodiversity and hydrology during the demolition and construction process.

4. No development shall start until details and 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.

5. Prior to the commencement of any construction works, an updated air quality assessment to identify the risks posed by poor air quality and to propose specific mitigation measures to protect the health of future residents shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall then be implemented prior to the first occupation of the development and thereafter maintained.

Reason: In the interests of the amenity of the future occupiers of the development.

6. Prior to the commencement of any construction works, a scheme for protecting the amenity of future residents from transport noise shall be submitted to the Local Planning Authority for approval. The scheme shall include:
 - Measures for insulating habitable rooms from the ingress of transportation noise;
 - Measures for ventilating habitable rooms that protect against noise ingress and summer overheating; and
 - Measures for reducing noise in external amenity spaces as far as is reasonably practicable.

Once approved, the scheme shall be implemented prior to the first occupation of any residential units and thereafter maintained for the lifetime of the development.

Reason: To provide an acceptable internal environment in the interests of the amenity of the future occupiers of the development.

7. No development shall start on site until the following details have been submitted to and approved in writing by the Local Planning Authority (LPA):
 - (a) a desk top study report, documenting all the previous and existing land uses both on and adjacent to the site and including a site walkover, conceptual site model and preliminary risk assessment; and unless otherwise first agreed in writing by the LPA:
 - (b) a scheme and sampling strategy outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site;
 - (c) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all contaminant linkages and unless otherwise

agreed in writing by the LPA and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site; and unless otherwise first agreed in writing by the LPA:

- (d) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified contaminant linkages. Site works and details submitted shall be in accordance with the approved scheme and undertaken by a competent person.

Site investigations are to be undertaken by a competent person and in accordance with best practice as outlined in BS10175:2011 and CLR11. Any gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015, Claire RB17 and CIRIA C665.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors

8. Before any part of the development is occupied or used, unless otherwise first agreed in writing by the Local Planning Authority (LPA), a verification report demonstrating the effectiveness of the remediation works carried out and a remediation completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the LPA.

The verification report and remediation completion certificate shall be submitted in accordance with the approved scheme and undertaken by a competent person in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors

9. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority (LPA).

Development shall not re-start on site until the following details have then been submitted to and approved in writing by the LPA:

- (a) a scheme and sampling strategy outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site;
- (b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all contaminant linkages and unless otherwise agreed in writing by the LPA and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site; and (unless otherwise first agreed in writing by the LPA);
- (c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified contaminant linkages; and before any part of the development is occupied or used (unless otherwise first agreed in writing by the LPA);
- (d) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the LPA.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with best practice as outlined in BS10175:2011 and CLR11. Any gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015, Claire RB17 and CIRIA C665.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

10. The dwellings hereby permitted shall not be occupied until the areas shown on the approved plan (drawing number: 7519/D01/E) for the parking of vehicles associated with the development shall have been made available, surfaced and marked out. The relevant parking areas shall then be permanently retained and reserved for that purpose at all times.

Reason: To make provision for adequate on-site parking in the interests of highway safety.

11. Prior to first occupation of the development the existing northernmost vehicular site access from Bournemouth Road shall be permanently stopped up and closed with the footway and verge being reinstated in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12. Prior to first occupation of the development hereby approved, the bin and cycle storage as shown on the approved plans (drawing numbers: 7519/D01/E, 7519/D11, 7519/D12) shall be provided and made available for use for the occupiers of the development.

Reason: To make satisfactory provision for bin and cycle storage and in the interests of the encouraging sustainable travel.

13. No development above slab level shall be carried out until a detailed final landscaping scheme based on the principles as set out in the submitted landscape plan (drawing number 619-102) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard and soft landscaping including trees, planting, boundary treatments, and hard surfacing including details of how parking spaces are to be demarcated and numbered, and provide details of timings for all landscaping. The works shall thereafter be carried out in accordance with the approved details and to the appropriate British Standard.

Reason: In the interests of the visual amenity of the locality.

14. No development above slab level shall be carried out until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- (i) Details of maintenance regimes for planting and landscaping;
- (ii) Details of proposed species enhancements;
- (iii) Details of any habitat created / retained on site;

- (iv) Timings for the implementation of proposed ecological mitigation, compensation and enhancement measures; and,
- (v) Details of ongoing management responsibilities.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of wildlife and any supporting habitat found on the site and to secure opportunities for the improvement of wildlife corridors and wider enhancement of the nature conservation value of the site.

15. All hard & soft landscaping, tree planting and boundary treatments shall be carried out in accordance with the approved details and to the appropriate British Standard. 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 amenity of the locality and to safeguard the amenities of neighbouring residents.

16. The development must accord with the arboricultural report reference 191137-AIA 5. 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.

17. The drainage system for the development shall be constructed in accordance with the approved documentation (drawing number: 161.5001.501 Revision B). Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority in conjunction with the Lead Local Flood Authority and Southern Water. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To secure the provision of satisfactory drainage to serve the development.

18. Prior to the occupation of the development hereby approved, details for the long-term maintenance arrangements for the surface water drainage

system shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a. Maintenance schedules for each drainage feature type and ownership, and
- b. Details of protection measures.

Reason: To secure the ongoing provision of satisfactory surface water drainage.

19. Prior to the occupation of the development (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 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. The development shall not be carried out otherwise than in accordance with the approved details.

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

20. No vegetation clearance shall occur on site during the bird nesting season (between 1st March & 31st August) unless supervised by an appropriately qualified ecologist.

Reason: To prevent harm to breeding birds.

21. If the existing building present on the site is to be demolished during the bird nesting season (between 1st March & 31st August), this shall be first inspected by a suitably qualified ecologist to ensure that there are no birds nesting within it.

Reason: To prevent harm to breeding birds.

22. 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 and 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.

23. 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.

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:

In respect of Condition 7, the Council's Environmental Health Officer has advised that it should be noted that the required desktop study should be completed by a competent person in advance of any demolition works in order to allow for the determination of an asbestos risk from such buildings. In accordance with The Control of Asbestos Regulations 2012 an asbestos risk assessment is required to be undertaken prior to demolition.

Report:

1. This application has been referred to Committee because it is deemed to be controversial.

The site and its surroundings

2. The application site extends to an area of approximately 0.11 hectares and is roughly rectangular in shape. It occupies a prominent corner plot at the junction of Leigh Road and Bournemouth Road and lies directly opposite the junction of the latter with Castle Lane. The site has most recently been in commercial use with a single two-storey building sited close to its north-western corner which accommodated a dry-cleaning business and beauty salon / training centre. The site is bordered by residential properties to its eastern and southern sides, with further dwellings to the west along the other side of Bournemouth Road. There is a commercial premises (car dealership) situated to the opposing side of the Leigh Road junction to the north.
3. The remainder of the site is predominantly laid to hardstanding with this having provided for on-site car parking for staff and customers of the business uses, with access and egress being provided from Bournemouth Road along the site's western boundary. In terms of its topography, the site slopes gently down from west to east. It is relatively open to its northern (Leigh Road) and western (Bournemouth Road) sides, with a low-level dense hedge marking part of the boundary with

the former and a timber picket fence with hedging in behind along the central section of the latter. The southern boundary is marked by dense vegetation and trees, with the eastern boundary with No. 331 Bournemouth Road consisting of a close boarded fencing and the western side of this neighbouring property's outbuilding.

Description of application

6. The application seeks full planning permission to redevelop the site for residential purposes in the form of an L-shaped, part-two and part-three storey block of flats comprising of a total of 8no. units (6no. 2-bed and 2no. 1-beds). The building is principally situated on the north-western corner of the site and is contemporary in terms of its form and design. The lower sections of the building are proposed to be constructed of red-brick, with an upper storey comprising of a mansard roof finished with grey fibre cement panels. The proposals incorporate the provision of green roofs to the flat roof two storey elements, with solar panels to be added to the roof of the three storey part of the building. Six of the eight flats will have their own exterior balcony / terrace area, providing for unit specific external amenity space.
7. Resident access to the building for 7 of the 8 units will be from two primary entrance points, one to the north from Leigh Road and the other to the rear of the building, providing direct access from the car park. The other unit (Unit 6) will have its own separate entrance from the southern side of the building. Vehicular access will be provided from Bournemouth Road in the site's south-western corner, with the existing secondary access point further to the north proposed to be closed off. A total of 16 allocated car parking spaces are to be provided within the southern part of the site at a ratio of 2no. spaces per unit, with this including 6 spaces within an undercroft in the two-storey rearmost part of the building.
8. The application is accompanied by the following reports and technical assessments which have been updated where necessary throughout the course of the application:
 - Air Quality Assessment
 - Arboricultural Impact Assessment
 - Design and Access Statement
 - Drainage Strategy
 - Ecological Appraisal
 - Flood Risk Assessment
 - Landscaping Scheme
 - Noise Impact Assessment
 - Transport Assessment

Relevant planning history

9. The site has been subject to a number of applications for varying commercial related uses including the following:

- F/04/52618 – Change of use of existing external areas to vehicle sales – REFUSED (31/01/2005)
- F/05/53828 – Change of use to parking for rental cars including car valeting and landscaping – PERMIT (26/05/2005)
- F/06/58827 – Change of use from office (B1a) to beauty salon (sui generis) (first floor) – PERMIT (01/03/2007)
- F/07/60557 – Change of use to beauty salon (sui generis) and holistic therapy training centre (D1) (first floor) – PERMIT (24/08/2007)

Representations received

10. A total of 48 letters of objection have been received in relation to the application which includes those in respect of the original design and the revised proposals following the undertaking of subsequent reconsultation. The following matters were raised as concerns or objections to the proposals (summarised):
- Loss of trees on the site and associated impacts on ecology and the character of the area.
 - Insufficient car parking for the construction and operational phases of the development resulting in overspill into surrounding roads, and lack of provision for visitor parking.
 - Highway safety concerns including inadequate and unsafe access arrangements and lack of visibility in light of the proximity to the junction, and inadequate on-site turning provision.
 - Lack of provision for adequate refuse collection for the development.
 - Increased traffic and pollution from the new development contrary to the climate change strategies of EBC.
 - Increase in risk of flooding.
 - Overdevelopment of the site and the proposed three-storey, flat-roof building being overbearing and out of keeping with neighbouring houses in scale, design, materials and roof form and not respecting the existing Victorian and 1930s two-storey character of the area.
 - Solar panels will increase the height of the roof.
 - The development being forward of the existing building line along Bournemouth Road. It should be set further back to provide a frontage setting which would also help with noise and air quality issues.
 - Too many units are proposed, and the site should be redeveloped for a smaller number of houses.
 - Impacts on neighbouring amenity including loss of light, overlooking and loss of privacy from the upper floor windows within the building and balconies, and fumes and noise from vehicles within the car parking area.
 - Insufficient outside space being provided.

- Poor air quality for future residents.
 - Loss of existing local businesses and long-term sustainable employment on the site.
 - Inadequate landscaping and trees proposed to be planted too close to existing buildings, reducing the moisture in the ground and increasing risks of subsidence.
 - The development will set a precedent for similar developments in the future.
 - The documents on the website do not all relate to this current application and contradict each other in terms of the number of units proposed.
11. A further representation to the scheme as originally proposed (for 12no. units) was received from University Hospital Southampton requesting a contribution of £11,544.00 towards the provision of capacity for the trust to maintain service delivery during the first year of occupation of the dwellings in the context of blended contract and during the first three years of occupation for Premium Staffing Costs.

Consultation responses

12. Chandlers Ford Parish Council

Comments on scheme for 10no. units:

Whilst the Parish Council is sympathetic to the application, the revised proposals are not acceptable. Should the developer be minded to revert to the original application [for 12no. units], including parking, in accordance with the Residential Parking Standards adopted by EBC, members would support the development.

No further comments were received in relation to the latest amended plans submitted following the reduction in the scheme to 8no. units.

13. Ecology

No objection. The recommendations for mitigation and biodiversity enhancements in the Amended PEA report by Peach Ecology (July 2020) are appropriate and should be implemented. The amended drainage strategy shows the permeable paving and proposed exceedance flow as requested, however, water butts or a green roof on the cycle storage area should also be included.

14. Tree Officer

The site is largely tree-free, with the only significant trees along the southern boundary. Although these conifers are relatively big specimens, I agree with the submitted report in that they are not significant in terms of amenity due to the nature in which they were planted and their current

form. I have no concerns over the loss of amenity from other tree removals on site, especially given the tree planting, which is proposed. No arboricultural objection is therefore raised subject to a condition requiring that the development accords with the submitted arboricultural report and to require tree protection measures to be installed prior to commencement of development and to be retained for the duration of the development works.

15. Design Review Panel (Comments on previous iteration of plans for 10 units)

The panel acknowledged that improvements had been made to the scheme: there were positive changes to the materials and detailing which has resulted in elegant facades; the apartments now have dual aspects; attempts had been made to limit views into the flats from the road by perforated brick screens; and screens had been included to limit overlooking of the adjacent property from balconies.

There were however some concerns remaining: regarding the proximity of the development to Bournemouth Road and the landscaping being ineffective due to the proximity to the highway; it was understood that some land along the Bournemouth Road frontage was outside of the ownership of the applicant (being highway land); the level of development still being too great for the site; the ability to provide a safe access which it was understood had been highlighted by the Highway Authority; and, sensitive spaces within the flats being placed against the noisy road frontage.

16. Urban Design Officer (Comments on updated drawings)

Significant changes to the proposals have been made since the application was originally reviewed. The most notable of which is the reduction in the number of units from twelve to eight. The form, materials and elevational treatment of the block has also been altered to predominantly brick at ground and first floor, with a grey clad 'mansard' style top floor. Previous comments with regards to site and internal circulation have been addressed, as has the position of more sensitive rooms away from the road – a considerable source of noise in this location. A clearer main entrance onto the street has been provided, as has a shared rear entrance from the small amenity and parking areas. Flat units also include a usable private external amenity space, most in a sheltered position. On-site parking has also been increased to 16 spaces which would meet Council standards for a fully allocated scheme.

The significant amendments to that originally submitted are a great improvement and have attempted to address most comments and issues previously highlighted. However, some concerns remain, principally relating to the quantity of development proposed, which has knock-on consequences in terms of parking and hardstanding, inadequate room for worthwhile soft landscaping, as well as the scale of that proposed

and its likely impact and dominance of the street scene at this important road junction. An effective solution would be the removal of the unit which sits above the under-croft parking. A reduction in the number of units would also allow a potential reduction in the number of parking spaces and more room for soft landscaping. It is recommended that these remaining issues be resolved before any planning consent is granted.

17. Environmental Health

Contaminated Land

No objection subject to conditions to allow for the extent of potential contamination on site to be assessed and remediated where necessary in light of the former uses of the site and adjacent land uses as well as the sensitive nature of the end use of the proposed development (residential). It was also advised that as existing buildings are planned for demolition, the required desktop study should be completed in advance of any demolition by a competent person, to allow for the determination of an asbestos risk from such buildings.

Noise

The layout will require alternative ventilation systems (to openable windows) to habitable rooms in some cases. It is expected that rooms exposed directly to the road traffic noise will likely require MVHR type ventilation systems to address the risks of summer overheating. In respect of sound insulation, there are some concerns regarding the areas of glazing and sliding doors that are now proposed to the roof terrace area and specifically whether sufficient sound insulation could be achieved considering leakage around the seals. Further, it should be clear from earlier comments on previous iterations of this scheme, that the acoustic design presented previously was not accepted. However, the acoustic design could be subject to control by condition requiring a revised scheme for protecting the amenity of future residents from transport noise to be submitted to the local planning authority for approval prior to the commencement of development.

Air Quality

The report provides evidence that existing air quality on this site is poor. The pollutant of especial concern here is nitrogen dioxide. The Air Quality Assessment shows that annual average concentrations are predicted to exceed the annual average objective of 40 micrograms per cubic meter at all points on the site at ground level; across about two thirds of the site at first floor level, but at no point at second floor level. It is noted that these are predictions based upon modelling verified against monitoring locations located on different sites in the borough and as such, are subject to error. It is expected that the conditions on this site are so poor, due to the presence of the junction and the implications this

has for queuing traffic. As such, conditions may well be quite different at shortish lateral distances away from the junction in neighbouring sites. Thus contextually, conditions on this site are not necessarily similar to those on neighbouring sites further from the junction. This site therefore probably poses quite discrete and unique development challenges in this area.

The Council should consider whether it should in principle permit residential development in a location blighted by such poor air quality; and, whether the form of development proposed has considered the air quality (and other) constraints and presents a scheme sensitive to the conditions on site and other planning objectives, such that it is considered a desirable scheme delivering high quality accommodation in places people want to live.

More specifically, the issues to consider are:

- On a residential development where opening windows at ground floor and first floor level would likely lead to an unacceptable exposure to nitrogen dioxide pollution, should the form of development rather be one which prevents residents from opening windows in such exposed locations. If so, this might require fixed windows in some locations.
- Whether a development where ventilation is reliant upon an MVHR system (sufficient that windows need not be opened or to support a scheme where windows cannot be opened) would provide acceptable accommodation according to the local need and quality expectation.
- If reliance is to be placed upon a MVHR type system, you may wish to be satisfied that a complete design solution has been developed as an integral part of the proposal.

Should on balance it be decided to approve the development in the form currently presented, it is recommended that appropriate conditions to control the design of the ventilation system; sound insulation of the building fabric and mitigate the construction impacts are imposed.

18. **Hampshire County Council Highways**

ACCESS:

Vehicle access is achieved via the existing southern drop kerb vehicle crossover on Bournemouth Road. This is a minimum of 4.8m for the first 6.0m into the site to allow for the easy passing of two vehicles in the access in order to remove the potential of vehicles needing to stop on Bournemouth Road in the vicinity of the signalised junction. All moves tracking drawings have been submitted that demonstrate movements in and out of site are achievable and so vehicle access proposals are accepted. In terms of non-motorised vehicle access, there is a pedestrian link out of site to the north via a footway that runs through the

building structure. Whilst it may have been advantageous to also include an additional link out onto Leigh Road for cyclists for convenience (heading north from the cycle stores), it is understood that this would be in conflict to the landscaping requirements. As such, in this instance, given the relative short additional distance required to circulate the building to get to Leigh Road, the omission of the link is accepted.

PARKING:

As previously outlined, allocated parking is provided, to the EBC standard of 2 spaces per unit. It is noted however that no visitor parking bays are shown, which at 0.2 spaces per unit would result in 2 additional spaces being needed in accordance to the EBC Parking Standards. As Local Parking Authority, the EBC Case Officer should take a view on the acceptability of this. Layout is however acceptable. With regard to cycle parking, the units located on the eastern boundary are acceptable, however, as previously outlined, the 2 located on the western boundary are not convenient. These 2 units would require cycles to be tracked between parked cars which is unlikely to be achievable, certainly not in an easy manner. It is requested that they are moved to the eastern side adjacent to the remaining cycle storage units.

SERVICING:

All moves tracking diagrams have been provided to demonstrate how a delivery vehicle can enter and exit site in a forward gear, with adequate space to turn within the site.

Additionally, it is noted that the EBC Direct Services Team have requested roadside collections from the site continue, and a bin collection / storage point has been suitably placed close to (but not obstructing) the main vehicle access point.

TRIP GENERATION:

In terms of trip generation, it would not be anticipated that the proposed site will generate levels of traffic over and above the potential for the current use category. As such, there are no concerns in this manner and no Highway Developer Contributions will be required.

CONCLUSION

Given the comments as outlined above, it is confirmed that there is no objection to the application from a highways perspective, subject to the relocation of the two cycle units, and conditions being applied in relation to the requirement for a construction management plan and the closure of the existing northern site access.

19. HCC Flood and Water Management

It is noted that infiltration testing was carried out in March 2020, which showed that infiltration is not feasible at the application site. Therefore, and in the absence of any nearby watercourse, the proposed connection with the public sewer network at 2.0 l/s is acceptable in principle subject to agreement from the asset owner.

The submitted source control calculations are very high level at this stage and detailed hydraulic calculations for rainfall events are therefore requested. These should take into account the connectivity of the drainage features including discharge location. Although the information submitted has addressed most of our previous concerns regarding surface water management and local flood risk, these details are required to demonstrate that the proposed drainage system is achievable, whilst ensuring that flood risk will not be increased on or off site.

20. **Housing Officer**

As originally proposed, the scheme included 12no. units which generated a requirement for 10% (2no. units) affordable housing. In line with government guidelines and in light of the proposals being reduced to 8no. units, no affordable housing is required to be provided.

Direct Services

21. No comments provided.

Policy context: designation applicable to site

- Within the Urban Edge
- Within Designated Special Policy Area (Bournemouth Road)

National Planning Policy Framework (NPPF)

22. At a 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 NPPF 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.
23. The three identified dimensions of sustainability should to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating a high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing the natural, built and historic environment) whilst local circumstances should also be taken into account so that development appropriately responds to the different opportunities for achieving sustainable development in different areas.

Planning Practice Guidance

24. 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.

Saved Policies of the Adopted Eastleigh Borough Local Plan Review (EBLP 2001-2011)

25. The key saved policies of the adopted local plan relating to this application are:
 - 25.NC and 26.NC (Biodiversity), 30.ES (Noise Sensitive Development), 31.ES (Noise Standards), 33.ES (Air Quality), 34.ES (Energy and Climate Change), 35.ES (Land Contamination), 37.ES (Water Consumption), 45.ES (Surface Water Drainage), 59.BE (Promoting Good Design), 100.T, 101.T, 102. T, 103.T and 104.T (Transport and New Development), 182.LB (Bournemouth Road Special Policy Area).

Submitted Eastleigh Borough Local Plan 2011-2029

26. 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.

The Submitted Eastleigh Borough Local Plan 2016-2036

27. The Eastleigh Borough Local Plan 2016-2036 was submitted by the Council to the Planning Inspectorate on 31st October 2018 with hearings having commenced in November 2019 and concluded in early 2020. The Council has now received the Inspector's feedback and recommended actions on the plan. Given the status of the emerging Plan, it is considered that moderate weight can be attributed to it.
28. Within the Submitted Eastleigh Borough Local Plan 2016-2036, the site continues to fall within the urban edge. In addition to this, the following policies are also of relevance to the proposals: S1 (Delivering Sustainable Development), S2 (Approach to New Development), DM1 (General Criteria for New Development), DM2 (Environmentally Sustainable Development), DM3 (Adaption to Climate Change), DM6 (Sustainable Surface Water Management and Watercourse Management), DM8 (Pollution), DM11 (Nature Conservation), DM13 (General Development Criteria – Transport), DM14 (Parking), DM23 (Residential Development in Urban Areas), DM32 (Internal Space Standards for New Residential Development).

Supplementary Planning Guidance

- Supplementary Planning Document: Quality Places (2011)
- Supplementary Planning Document: Residential Parking Standards (2009)
- Supplementary Planning Document: Biodiversity (2009)
- Supplementary Planning Document: Environmentally Sustainable Development (2009) (Updated 2015)
- Eastleigh Character Area Appraisal – ELAC 26 (2008)

Other Relevant Documents

- Air Quality Action Plan 2020 – 2025

Assessment of proposal

29. 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.
30. As indicated above the Development Plan comprises of the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the application must be assessed against those that are of relevance to the proposed development.

The principle of development

31. The site lies within the urban edge where the basic principle of development is considered to be acceptable. It also falls within the Bournemouth Road Special Policy Area where Saved Policy 182.LB applies to new development proposals. The supporting text for this policy states that the section of Bournemouth Road between the Leigh Road junction and Winchester Road includes a variety of land uses but it remains predominantly residential in character and that the extension or redevelopment of existing non-residential uses will normally be permitted, providing that the proposal conforms with the other policies of the plan designed to safeguard the amenities of occupiers of residential properties. The principle of residential redevelopment on the site is therefore considered to be acceptable subject to the proposals adhering to the criteria of this policy as well as the other relevant local and national planning policies and associated supplementary planning guidance. The matters of material relevance to the proposals in these regards are considered in the sections below.

Layout and design

32. Saved Policy 59.BE of the adopted Local Plan requires that development takes full and proper account of the context of the site including the

character and appearance of the locality and that it is appropriate in a number of regards including its massing, scale, layout, design, siting and density. In terms of national policy, Paragraph 122 of the NPPF encourages the efficient use of land and the achieving of appropriate densities on development sites for housing, whilst at the same time respecting the character of the area, promoting regeneration and change, and securing well-designed, attractive and healthy places. Paragraph 127 goes on to state that planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture; and, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

33. The existing site is comprised of a modest sized, two-storey, former commercial building which sits on a large and prominent plot positioned at the junction of Leigh Road and Bournemouth Road. The site is currently somewhat underutilised and therefore presents an opportunity for a suitable development which makes more efficient use of what is a sustainably located brownfield site. In this respect, the use of the land for residential purposes is deemed to be appropriate given that the site is bound by residential properties and the area is predominantly residential in character. The prominent corner location of the site is also considered to lend itself to a landmark building which appropriately addresses both of the aforementioned main roads and this is something that is considered to be more readily achievable through the introduction of a block of flats within a single L-shaped building, as opposed to individual houses. Further, this approach also allows for the achieving of a higher density of development, providing that this is done in an appropriate manner.
34. In terms of its design, the proposed building is of a contemporary appearance and varies between 2 and 3 storeys in height, with it being flat roof in form and adopting a modern architectural approach. Whilst it is acknowledged that the immediate surrounding residential buildings are generally of a more traditional design which is reflective of their Victorian or 1930s construction, National Planning Policy states that planning decisions should not prevent or discourage appropriate innovation or change (paragraph 127 of the NPPF) and that design policies should allow for a suitable degree of variety where this would be justified (paragraph 126). In this instance, the size and extent of the site, as well as its corner location at a busy junction with a commercial premises to the opposing side of the road, is considered to allow for a differing approach to be taken. The building itself is also a high-quality piece of architecture with well-articulated and well detailed facades with the use of staggered building-lines, brick detailing in the form of sections of projecting brick and perforated brick screens, a clear and defined entrance feature, as well as the use of a mansard style roof on the upper floor which is set recessed from the lower storeys and utilises a contrasting material to add interest to the building and to break up its

visual and physical massing. It is considered therefore that its introduction would add to the variety and character of the street scene, rather than detract from it.

35. In terms of scale and layout, following the comments of the Eastleigh and Winchester Design Review Panel on the previous iterations of the plans, the scheme has been further amended with the number of units having been reduced to eight (previous iterations had been for twelve and ten units respectively). This has allowed for the scale of the building to be reduced, as well as more of a set-back to be provided from Bournemouth Road, with the western elevation now set at a minimum of 2.3m back from the pavement edge at its closest point, with the distance for the majority of this elevation being between 3.3m and 5.1m back from this footway. The internal layout has also been altered to move sensitive spaces (notably bedrooms) away from this frontage of the building, with primary living spaces having now been provided as dual-aspect.
36. It is noted that the Council's Urban Designer, whilst supportive of the overall design approach taken and a number of the changes that have subsequently been made to the scheme through the course of the application process, has still raised some reservations regarding the matters of the scale of the building when both street elevations are viewed together, as well as whether the aforementioned set back from Bournemouth Road is sufficient to provide for meaningful landscaping along this side of the building. They have suggested in respect of the former of these issues that the southernmost unit above the undercroft parking area should be removed in order to reduce to length of the building's western elevation and address the issues raised.
37. The building varies between 2 and 3-storeys in height, with the taller section being in the north-western corner of the site as to provide a visual and physical presence at the highway junction. Whilst the comments of the Council's Urban Designer are noted and acknowledged, the southernmost part of the building specifically referred to is of a lower profile with it being two-storeys in height and flat-roofed, a form which is replicated to the eastern side of the structure and which allows for a physical and visual transition to the more traditional two-storey neighbouring development that borders the site along both Leigh Road and Bournemouth Road. Additionally, this part of the building is well articulated, with a central recess being used along this elevation, as well as differing materials for the upper and lower storeys, which both serve to break up its expanse. On balance, it is not therefore considered that it would appear as unduly visually dominant feature when both elevations are viewed together which was the main point of concern of the Urban Design Officer. This is demonstrated by the artist's impression that has been provided as part of the application and which provides a contextual visual from the particular vista in question. Additionally, and notably, its presence in this location also provides for screening for the car parking area serving the building from the public realm which otherwise would be much more eminently visible and arguably could

thereby detract to a degree from the setting of the building within the street scene.

38. In terms of the site landscaping and the layout of the remainder of the site more generally, it is acknowledged that whilst a larger buffer is provided to the building's northern side, there is more limited potential for significant planting along the site's western boundary where this runs alongside the highway verge. It is considered necessary however for a balance to be found in this respect and if the building was to be pushed further back into the site, it would potentially have a greater impact on the amenity of the occupiers of the neighbouring properties to the east. The space afforded does allow for the introduction of a physical boundary treatment (for example a knee rail fence or railing) with a degree of planting or hedging in behind, as well as a tree within the recessed central section of this part of the building as is proposed within the submitted landscaping scheme, with a further visual and physical green buffer also being provided by the existing grassed highway verge which is present in this location.
39. Further landscaping and tree planting is proposed along the northern perimeter of the building, as well as the northern section of the western boundary which will assist in improving the setting of the building as viewed from the public realm, particularly as seen from the highway junction. Whilst the car parking area is fairly extensive, this is such as to ensure that sufficient parking can be provided to serve the new use. It has also been broken up visually through the introduction of partial-undercroft parking, contrasting surfacing materials for the entrance route and the car parking spaces, as well as landscaping and planting around the site's perimeter and between the longer bank of spaces situated next to the eastern boundary.
40. Taking account of all of the above factors, overall it is considered that the development is acceptable in terms of use, layout, design and impact on the character of the area and that it achieves the balance advocated within national planning policy of making efficient use of land and achieving appropriate densities, whilst at the same time respecting the character of the area, promoting regeneration and change, and securing well-designed, attractive places. The development is therefore considered to comply with Saved Policies 59.BE and 182.LB of the adopted Local Plan in these respects.

Residential amenity and noise

41. Saved Policy 59.BE of the adopted Eastleigh Borough Local Plan Review 2001-2011 requires that development avoids unduly interfering, disturbing or conflicting with adjoining or nearby uses, including by way of overlooking and loss of light or outlook, whilst Saved Policy 30.ES states that proposals for noise-sensitive development which would result in the occupiers of such development being exposed to unacceptably high levels of noise and/or vibration will not be permitted. Paragraph 127

of the NPPF, amongst other things, requires that planning decisions ensure that development provides a high standard of amenity for existing and future users. The Council's adopted Quality Places SPD provides additional guidance in relation to amenity in support of Saved Policy 59.BE and there are two primary considerations in this respect in this case, these being the impact of the development on that of the occupiers of existing neighbouring properties and the appropriateness of the level of amenity that would be afforded for the future occupiers of the proposed dwelling.

42. In terms of the latter first of all, the Council's Quality Places SPD requires that new homes have sufficient internal space for residents to use comfortably and to support a practical quality of home life for the intended number of residents. In this respect, the government has published nationally described space standards which will be incorporated into the Council's planning policy when the Submitted Local Plan is adopted. The proposed units would meet or exceed these standards and thereby would have a sufficient level of internal floor space to allow residents to live comfortably with reasonable levels of light and outlook also being afforded to and from the habitable rooms.
43. In terms of noise impacts, the site lies at the junction of Leigh Road and Bournemouth Road where noise from traffic is a particular constraint and has the potential to impact upon the quality of the internal environment that would be provided for future occupiers. The Council's Environmental Health Officer has therefore advised that rooms that are exposed directly to road traffic noise will likely require MVHR (Mechanical Ventilation with Heat Recovery) type systems to be installed as an alternative means of ventilation and to address the risks of summer overheating. Some reservations have also been raised in respect of the glazing and sliding doors that are proposed to provide access to the roof terrace / balcony areas in terms of the adequacy of seals and whether sufficient sound insulation could therefore be provided. On balance, however, and whilst noting these concerns, it is considered preferable for these areas to remain to provide external usable amenity space for residents and overall the Council's Environmental Health Officer has advised that an appropriate acoustic design could be achieved to protect the amenity of the occupiers of the development from traffic noise and that this could be secured by condition.
44. For exterior space, there is a general requirement within the Quality Places SPD for flats to have a communal amenity area which is of a size equivalent to 25sqm per unit, with the provision of balconies also being encouraged where appropriate to provide a degree of unit-specific outdoor sitting space. The proposed development would fall below the standard for communal space with a modest area (approx. 72sqm) being provided to the immediate south of the building. This space has however in part been reduced during the course of the application process to accommodate additional car parking in order to meet the requirements for fully allocated provision (see below section on transport and highway

matters). Six of the eight apartments do however have unit-specific external amenity space in the form of a balcony / terrace which provides for usable, defensible space for their occupiers. Whilst the proposals had originally included balconies for two remaining units (Unit 7 at second floor level and Unit 6 at first floor level) these have subsequently been removed from the scheme in order to mitigate potential overlooking issues for the existing adjacent occupiers. This is considered to be a reasonable balance, with the level of provision being deemed acceptable in this particular case and when taking account of the site constraints.

45. With regards to the impact on neighbouring occupiers, the site is bound by residential properties to its eastern and southern sides, with dwellings also being situated to the opposing side of Bournemouth Road to the west. In terms of the latter, these are considered to be sited at a sufficient distance from the proposed building, with Bournemouth Road as a significant intervening feature, such that the development would not be unduly overbearing or result in a loss of light, outlook or privacy for their occupiers. The properties to the east and south, and specifically Nos. 105 Bournemouth Road and No. 331 Leigh Road, directly border the application site.
46. In terms of the impacts on No. 331 Leigh Road, the proposed building where it is closest to the shared boundary has been set predominantly alongside this neighbouring property, with its easternmost element projecting approximately only 2.5m beyond its rear elevation and being stepped in from the boundary by 1.6m in this position. This part of the building has also been stepped down to be two-storeys high (as opposed to the three-storey height of the main part of the building) and is flat roofed in form. The southern element of the building (running parallel with Bournemouth Road) is sited a distance of 12.1m from the boundary and varies between two and three storeys in height. Taking account of these factors, it is not considered that the development would be unduly overbearing or unacceptably affect outlook or light from or to the neighbouring property or its amenity area.
47. In terms of the matter of the impacts on privacy, facing windows are proposed in the eastern elevation of the rear projection of the building at first floor level and to a lesser extent at second floor level. There are no specific adopted standards for separation distances for windows facing side-on onto garden areas and each case is therefore considered in its particular context. As a guide however, the Council's amenity guidance states that where new buildings are directly back to back with facing windows on an existing dwelling, a 22m separation distance should be afforded at first floor level, with a further 5m for each additional storey, with a general presumption therefore that the intervening boundary would be sited halfway between the two (i.e. windows within each facing building would be positioned between 11 and 13.5m from the boundary with one another depending on whether they are at first or second floor level).

48. In this instance, the separation distance between the windows and the boundary with No. 331 is 12.1m at first floor level with the balcony serving Unit 5 being marginally closer at 11.5m, both beyond the aforementioned 11m distance, with the balcony also being afforded partial screening to mitigate direct views back towards the neighbouring building. Owing to the recessed nature of the mansard roof of the new building, a distance of 12.5m is afforded for the windows at second floor level (within Unit 8). Whilst this is below the aforementioned 13.5m distance, as noted above this standard is where windows are directly facing one another rather than side on at what would be a relatively oblique angle. These upper floor windows are also situated alongside No. 331's pitched roof outbuilding which will assist in screening views into a proportion of the amenity area of this property. Whilst acknowledging the neighbour's comments and objections in this respect therefore, on balance it is considered that the separation afforded to the shared boundary is sufficient to mitigate against unacceptable overlooking.
49. In terms of the impacts on the occupiers of No. 105 Bournemouth Road, the closest element of the new building to this property is its southern 'arm' which runs parallel to Bournemouth Road. This element of the building is situated approximately 7.4m from the southern boundary of the site and 13.1m from the neighbouring property itself with its closest point being single storey in height in this position. The closest two-storey element which is also flat-roof in design is situated a further 2.7m away. Again, these distances are considered to be sufficient to ensure that the new building will not be unduly overbearing or result in a loss of light or outlook for the occupiers of No. 105.
50. In terms of the matter of the potential impacts on privacy, the proposals include the removal of the conifers which presently extend into the southern portion of the site and provide screening for it from No. 105. The sycamore adjacent to the south-western corner of the site will remain along with any hedging on the neighbouring land and additional tree planting is proposed, however the removal of the conifers will nonetheless open-up this boundary relative to the existing situation. Whilst it is acknowledged that this will change the views out from the front windows of No. 105 to a degree, the trees are not protected or indeed worthy of protection from an arboricultural perspective (see the below section on trees). They could therefore be removed at any point without the need for permission from the local planning authority. In addition, they extend into a fair proportion of the site and thereby restrict the development potential of the land, including the ability to provide a suitable and safe means of access from the public highway.
51. Notwithstanding this, it is not considered that the proposals would unacceptably compromise the privacy of the occupiers of No. 105 Bournemouth Road due to the separation distance that is afforded between the existing and proposed habitable windows. The closest first floor window within the new development, which is that within the

southernmost elevation of the building, is situated approximately 19.6m from the closest point of the nearest first floor front window within No. 105. Whilst this is moderately below the 22m referenced above, the windows are not directly facing and any views would be at an oblique angle due to the relative siting of the respective buildings to one another. Louvres have also been added to the easternmost section of this window to further increase the angle of view, with the distance to the closest non-louvred section being approximately 20.3m. Taking account of these factors, the proposed arrangement is considered to be acceptable in this case.

52. Taking account of the above factors, the application is considered to comply with the requirements of Saved Policies 30.ES and 59.BE of the adopted Local Plan and Paragraphs 127 and 170 of the NPPF in respect of the matter of residential amenity.

Transport and highway matters

53. Saved Policy 100.T of the adopted Local Plan requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Saved Policy 59.BE (v.) requires that development has a satisfactory means of access and layout for vehicles, cyclists and pedestrians including appropriate links to surrounding footpaths cycleways and public transport services, whilst Saved Policy 104.T requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The requirements in terms of access and car parking are repeated in Saved Policy 182.LB and the range of aforementioned policy provisions are considered to be consistent with the requirements of the NPPF and in particular those of paragraphs 108 and 109.
54. The application is supported by a Transport Statement which appraises the key transport matters associated with the development, including the site's accessibility, the development layout and car and cycle parking arrangements, access and servicing arrangements, and the impacts of the proposals on the local road network. This assessment has been reviewed by the Highway Authority and supplemental information has subsequently been received in response to their comments during the application process.
55. With regards to the impacts on the local highway network, the Transport Statement includes a trip generation assessment of the existing uses on the site and the proposed development. This utilises the TRICS (Trip Rate Information Computer System) database to establish a net vehicle trip generation level and demonstrates that the proposed residential development would result in a decrease in average vehicular movements relative to the existing authorised uses of the site. This has been accepted by the Highway Authority and no objection has therefore been raised on these grounds.

56. In terms of vehicular access, the application site is presently served by two access/egress points from Bournemouth Road which are situated along its western perimeter, one at its southernmost extent and the other further north along this boundary. The latter is proposed to be closed off as part of the development scheme, with the new residential uses being served by a single access point utilising the existing drop kerb vehicle cross over in the south-western corner of the site. Following initial comments from the highway authority, additional information and amended plans have been provided in respect of this access. These show the access to be a minimum of 4.8m in width for the first 6m into the site to allow for two vehicles to pass one another (i.e. when one is accessing and the other egressing the site), with the full range of tracking drawings having also been provided to demonstrate that all movements are achievable such that vehicles can turn left and right both when entering and leaving the site without compromising highway safety. The access provision has subsequently been confirmed to be acceptable by the highway authority.
57. With regards to parking, the Council has an adopted Supplementary Planning Document (Residential Parking Standards SPD) which sets out the requisite levels of on-site car parking for residential uses. The application proposes the use of fully allocated parking with the Council's SPD requiring the provision of 2 spaces in such circumstances for both 1 and 2-bedroom units. On the basis of the 8no. units proposed, the requirement is for 16no. spaces and these are provided as part of the development through a combination of a parking court and undercroft parking area. These spaces are of sufficient dimensions in accordance with the required standards, with increased width and / or step-out strips having been provided at the request of the highway authority where spaces are alongside walls or landscaped areas. An appropriate aisle width is also afforded between the spaces to allow for adequate manoeuvring and suitable access and egress.
58. In terms of visitor parking provision, the Council's adopted SPD generally requires the provision of 0.2 spaces per unit for visitor parking for residential development. On the basis of 8 units, this would equate to 1.6 spaces (rounded to 2 spaces). Whilst these spaces have not been provided as part of the proposals, given the limited level of this shortfall, it is not considered that this would result in an unacceptable impact on the highway network or unduly compromise highway safety such that the application could be reasonably refused on these grounds.
59. Also, it is of material relevance that the Council's Standards both for resident and visitor parking could alternatively be met through the use of fully unallocated parking which would require a lesser number of overall spaces (13 on the basis of the 2 visitor spaces and 1 space per 1-bed unit and 1.5 spaces per 2-bed unit for residents), and that unallocated parking had initially been proposed as part of the development scheme. It was considered however to be preferable for fully allocated provision

to be provided to ensure that each unit always had 2 spaces available, with unallocated parking being reliant on crossover of use (i.e. where not all residents are requiring parking provision at the same time) which with a smaller development is not always realistically achievable and thereby could create greater potential for overspill parking.

60. In terms of other highway and travel related considerations, the site is situated within the urban edge and within an established, predominantly residential area which is relatively well served by public transport and local facilities and amenities. The proposals also include the provision of secure on-site cycle storage which has been re-sited at the request of the highway authority and which will assist in encouraging the use of sustainable modes of travel and a condition will be imposed to ensure that this is provided prior to occupation of the development. In terms of servicing, the applicant has provided evidence of confirmation from the Council's Direct Services team regarding the use of roadside collections and a bin collection / storage point has been provided that is suitably close to the main vehicle access point without obstructing it, as noted within the comments of the Highway Authority.
61. Overall, the proposals are considered to be acceptable in terms of their accessibility and highway related impacts and comply with Saved Policies 59.BE, 100.T, 104.T and 182.LB in these regards.

Contaminated land

62. Saved Policy 35.ES of the adopted Local Plan requires that it be demonstrated that land that is known or suspected to be contaminated will be remediated to a suitable standard for the proposed end use. Paragraphs 170 and 178 of the NPPF stipulate that planning decisions should contribute to and enhance the natural environment through remediating and mitigating contaminated land and that decisions should ensure that sites are suitable for their new use, taking account of ground conditions and former activities. Paragraph 179 goes on to state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
63. The site has historically been used for commercial purposes which most recently include a dry cleaners / laundry which the Council's Environmental Health Officer has identified as being a potential high-risk use for land contamination. The site also lies in nearby proximity to a garage (to the opposing side of the Leigh Road junction) and a former military camp which present potential medium and high risks respectively. Taking account of these former, historic and adjacent uses, as well as the sensitive nature of the proposed end use (residential), the development is considered to have the potential to be affected by contaminants in the ground. Whilst the Council's Environmental Health Officer has raised no objection to a residential use and these risks are not considered to be prohibitive to development, conditions are

recommended to ensure they are appropriately investigated and any contamination subsequently identified is remediated where necessary and in a suitable manner.

64. The recommended conditions will be imposed accordingly and with these, it is considered that the development complies with Saved Policy 35.ES of the adopted Local Plan and paragraphs 170, 178 and 179 of the NPPF in respect of land contamination.

Air quality

65. Paragraph 170 of the NPPF requires that planning decisions contribute to enhancing the natural and local environment, by amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Saved Policy 33.ES states that where new development appears likely to have a significant impact on air quality in the locality, or future occupiers of the development may be subject to unacceptable air quality, the Council will require a suitable air quality assessment to be carried out prior to consideration of the application.
66. The site borders Leigh Road which forms part of the designated Eastleigh Air Quality Management Area (AQMA) due to a high level of pollutant concentrations, principally as a result of Nitrogen Dioxide emissions from road transport. The Council has recently adopted an Air Quality Action Plan which details actions aiming to improve air quality in Eastleigh Borough over the next 5 years. The application is supported by an Air Quality Assessment which considers the potential air quality impacts of the proposed development from both the construction as well as the operational phase.
67. As the development will result in a reduction in vehicle movements as set out within the submitted Transport Assessment and as noted above, the proposals would accordingly result in a reduction, albeit relatively minor, in pollution caused by traffic within the AQMA. In terms of the impacts of such pollution upon the future residents, the Air Quality Assessment includes an exposure assessment to consider the impacts of nitrogen dioxide (NO₂) and particulate matter with an aerodynamic diameter of less than 10 µm (PM₁₀) (the pollutants most associated with traffic emissions and which can be harmful and cause discomfort to humans) upon the amenity of the occupiers of the development. An assessment of air quality impacts associated with the demolition and construction activities has also been undertaken. In this latter regard the Assessment concludes that there is the potential for adverse impacts in terms of the generation and re-suspension of dust particulate matter and as such appropriate dust and pollution control measures will be required to be implemented. The assessment outlines a range of measures which can be incorporated into a Construction Environmental Management Plan that will be required to be submitted by condition for approval by the

local planning authority prior to any demolition or construction works commencing.

68. In terms of the operational phase, the submitted assessment identifies that the air quality on the site is poor with predicted exceedances of the nitrogen dioxide (NO₂) objectives, including across the ground floor level of the building and two thirds of the first-floor level, but not at second floor level. In some areas the exceedances are particularly high with this being most notable at the facades of the building closest to the highway owing to the presence of the traffic junction where two main thoroughfare routes meet and the resulting presence of queuing traffic. In order to mitigate against these impacts, the assessment proposes the use of mechanical ventilation and heat recovery (MVHR) for the ground and first floor units, with intakes for the MVHR located at second floor level to ensure a clean supply of air from locations where concentrations are below the objective limits.
69. The Council's Environmental Health Officer (EHO) has raised some questions in regards to these proposals, principally concerning the suitability of the site for residential use in light of the poor air quality in this location, as well as the desirability of residential units which are served by mechanical ventilation and which may necessitate fixed windows on the polluted façades of the building. In these respects, and as noted above, a residential use is considered to be suitable in principle given that the land is bound by residential properties and is within an established built-up area which is substantively characterised by residential development. Such a use also accords with the provisions of the Bournemouth Road Special Policy Area.
70. In terms of the proposed ventilation, whilst acknowledging that mechanical methods, as opposed to more natural means, are perhaps not always the most desirable form of ventilation for residential properties, nonetheless they are an accepted technical solution in areas with poorer air quality and are not therefore considered inappropriate in this case. In addition, the building has been designed such that each of the open plan living / kitchen / dining areas for the eight flats is dual aspect which, assuming that the building mass provides rear facades with acceptable nitrogen dioxide concentrations as noted by the Council's EHO, does provide the potential for windows to be opened to the rear for these main habitable spaces if those to the front are required to be fixed shut in order to mitigate against poor air quality. A condition will be imposed to require further details to control the design of the ventilation system and ensure that this suitably mitigates the potential air quality impacts on future residents.

Trees

71. Saved Policy 59.BE of the adopted Local Plan 2001-2011 requires that development takes full and proper account of the context of the site and is appropriate in relation to natural features and trees worthy of retention.

Trees in relation to design, demolition and construction – Recommendations (BS 5837:2012) advises that a realistic assessment of the probable impact of any proposed development on trees should take into account the characteristics and condition of the trees concerned, with due allowance and space for their future growth and maintenance requirements. To maximise the probability of successful tree retention account should be taken during the design process of any shading of buildings and open space, any direct damage both below and above ground, future pressure to remove trees, and seasonal nuisance.

72. The application is supported an Arboricultural Implications Assessment and Method Statement which appraises and categorises the arboricultural features on or adjacent to the site and considers the potential impacts on trees or other vegetation that could be affected by the development. The application site does not fall within a Conservation Area and does not contain any trees which are afforded statutory protection by Tree Preservation Orders. The submitted tree report did not identify any category A (high quality) or B (moderate quality) trees on or adjacent to the site, with four trees/groups/hedges being identified as category C (low quality). These are the clipped hedge along part of the Leigh Road frontage, two small self-sown trees along the eastern boundary of the car park, a Sycamore tree located to the south-western corner of the site on neighbouring land (No. 105 Bournemouth Road), as well as the grouping of conifer trees in the southern section of the site.
73. The trees along the southern boundary are the main arboricultural features on the site and whilst the Sycamore will be retained and protected (as this is on third party land), the conifers which extend into the southern section of the site are proposed to be removed. The Council's Tree Officer has considered the implications of this and whilst acknowledging that the conifers are relatively large specimens, he has concurred with the findings of the tree report that they are not significant in terms of amenity due to the nature in which they were planted and their current form and has therefore raised no objection to their loss from an arboricultural perspective. The implications of this in terms of residential amenity and specifically with regards to the impacts on the occupiers of No. 105 Bournemouth Road are considered in the above section on residential amenity. From an arboricultural perspective however the proposals are considered to be acceptable and the condition recommended by the Council's Tree Officer regarding adherence to the report and tree protection measures will be imposed accordingly.

Ecology and drainage

74. Saved Policy 45.ES of the adopted Local Plan requires that development provides for adequate drainage infrastructure, whilst Saved Policy 25.NC states that development which will adversely affect a habitat or feature of importance for wild fauna and flora will not be permitted, unless it can be demonstrated to the satisfaction of the Council that: (i) the benefits of the

development outweigh the adverse impacts (ii) the adverse impacts are unavoidable, and (iii) appropriate measures are taken which would mitigate or compensate for any adverse impact. This includes in relation to drainage and the potential for the pollution of designated sites as a result of inadequate surface water provisions.

75. These policies are considered to be consistent with Paragraphs 155 to 165 of the NPPF which, *inter alia*, require that development incorporates appropriate sustainable drainage systems and does not increase flood risk elsewhere and Paragraph 170 which requires that, when determining planning applications, local planning authorities minimise impacts upon and provide net gains for biodiversity, including wherever possible, through helping to improve local environmental conditions such as water quality.
76. The site is located within Flood Zone 1, which is defined as having low probability of flooding and an area where residential development is considered acceptable in principle. The application is supported by a drainage strategy which proposes to discharge foul sewage to the existing foul sewer serving the site, with surface water drainage being managed via permeable paving which will provide storm water attenuation and conveyance to an outfall at the northern end of the site which discharges into the public surface water sewer. The Planning Practice Guidance advises that generally development should aim to discharge surface run off as high up the following drainage hierarchy as reasonably practicable: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; and then to a combined sewer.
77. Soakage testing has been carried out which demonstrates that infiltration isn't feasible on this site as a means of dealing with surface water and in the absence of a nearby watercourse, the development proposes the aforementioned combination of the use of permeable paving, which will also provide for the filtration of water, and outfall to the public surface water sewer. Hampshire County Council as the Lead Local Flood Authority have raised no objection to this arrangement in principle subject to the addition of further technical information in the form of detailed hydraulic calculations for all rainfall events, which take into account the connectivity of the drainage features including the discharge location, as well as confirmation of agreement from the asset owner of the surface water sewer (Southern Water). The outstanding information has been provided and comments from both the LLFA and Southern Water on the arrangements are currently awaited.
78. In terms of ecology, the application is supported by a Preliminary Ecological Appraisal which considers the site's existing ecological features including the potential for notable or protected species to be present, as well as considering the possible impacts of the development upon them. The report goes on to assess whether any further surveys are needed and also makes recommendations for ecological

enhancements to be incorporated into the development scheme. The report highlights that the existing building on the site is not considered to provide roosting potential for bats with no other protected species being identified on site. No further survey work was therefore deemed to be required to be undertaken.

79. It was however identified that the existing hedgerows and trees provide for potential nesting habitat for birds, with the building also being understood to have had starlings nesting within its roof space. The report therefore advises that any tree removal or demolition works should take place outside of the bird nesting season unless supervised by a suitably qualified ecologist. A range of recommendations for ecological enhancements are also made including the inclusion of bat roosting and bird boxes into the new building, the inclusion of gaps in any new fencing as to not prevent movement by hedgehogs or reptiles, and native planting to be included in the landscaping scheme.
80. The submitted surveys have been reviewed by the Council's Ecologist who has raised no objection to the application subject to the recommended measures for mitigation and biodiversity enhancements being implemented. Amended plans have also been provided to show a green roof on the bike stores as requested by the Council's Ecologist, with green roofs also being provided on the bin store and on the two-storey elements of the main building as additional ecological enhancements. The inclusion of the measures can be secured by condition.

Nutrient neutrality

81. The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. It is internationally recognised and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England have advised that there are high levels of nitrogen and phosphorus input to this water environment with evidence that these nutrients are causing eutrophication at these designated sites. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. The resulting dense mats of green algae and other effects on the marine ecology resulting from an excessive presence of nutrients are impacting on the Solent's protected habitats and bird species. There is presently uncertainty as to whether new growth will further deteriorate designated sites and whilst this uncertainty remains, Natural England have advised that new housing developments across the Solent region have the potential to exacerbate these impacts and create a risk to the future conservation status of these sites.
82. The Council, as the responsible body for Habitats Regulations Assessments under the Conservation of Habitats and Species Regulations, must ensure as part of a planning application that a

development will not have an adverse impact on any European protected sites or the features for which they are designated and the above-mentioned impacts are therefore required to be mitigated. One way in which to address this issue is for new development to achieve nutrient neutrality which is a means of ensuring that development does not add to existing nutrient burdens and provide certainty that the scheme is deliverable in line with the requirements of these Regulations.

83. The Council has adopted an interim strategy whereby it will identify areas of agricultural land and remove them from a nitrate intensive use, which would provide mitigation through offsetting the impacts of a development. This will ensure no net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with the securing of the required funding being done through the S106 process. The charge for these credits is £4,500 per dwelling which includes estimated costs of land purchase and ongoing maintenance. The requisite charge for this development is therefore £36,000 and the developer has agreed to utilise this scheme as a means of offsetting the impacts of the development. These contributions will need to be secured via a legal agreement and a Habitats Regulations Assessment will also need to be undertaken by the local planning authority to outline whether there will be any significant effects on the European protected site, moving to the appropriate assessment stage in consultation with Natural England where these cannot be ruled out.

Environmentally sustainable development and climate change

84. Saved Policies 34.ES and 37.ES of the adopted local plan require development to be sustainable in terms of climate change use and resource and energy use, whilst the NPPF within Paragraph 8, as part of the environmental objective of sustainable development, states that development should use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.
85. The application is accompanied by an Energy Statement which forms part of the submitted Design and Access Statement. This sets out that the development will follow a best practice approach to energy efficiency through minimising energy demand through passive means, including the specification of good levels of insulation and thermal efficiency, careful design to eradicate thermal bridging and minimising air permeability and controlling ventilation. Measures will also be incorporated to minimise energy demand through efficient means of heating and mechanical ventilation and zero or low carbon technologies will be added, with solar panels proposed to be installed on the roof of the building which the applicant has confirmed will be angled such that they will not be notably visible from the public realm. In addition, the development will incorporate measures to minimise water usage by the

occupiers of the dwellings.

86. Conditions will be imposed in respect of energy efficiency and water usage and with this and the measures outlined above, it is considered that the development will be sustainable in terms of climate change and resource and energy use.

Planning obligations

87. The application as initially submitted has sought approval for 12no. units and therefore constituted major development and as such was eligible for planning obligations and affordable housing in line with national and local planning policy. The scheme has however subsequently been reduced to 8no. units and therefore in line with national guidance, affordable housing and tariff-based contributions cannot be sought. The above referenced nutrient neutrality contributions are however considered justifiable as they are required to address the Habitats Regulations requirements associated with the proposals which are specific to and directly generated by the development scheme. As noted above, these will be secured by way of a legal agreement.
88. In terms of the contributions requested by Southampton University Hospital, as noted above these were requested in respect of the initial major development proposal for 12no. units. Notwithstanding this, the cost per dwelling tariff based contributions which are sought to bridge the lag in funding of staff from other sources in response to the direct impact on, and cost to, their acute healthcare services as a result of additional pressure placed on the service, are not unique to Eastleigh but are experienced across the Trust's wider catchment area. All new development will place pressure on the service, and it is considered that this pressure should be assessed and planned for at a strategic level (and not site by site basis) based on forecast housing growth within the catchment of the Trust. It is not considered that seeking the contributions would therefore be reasonably justifiable as part of this minor application.

Equalities implications

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

(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;
- and,

(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.

90. It is not considered that this application raises any equality implications.

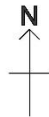
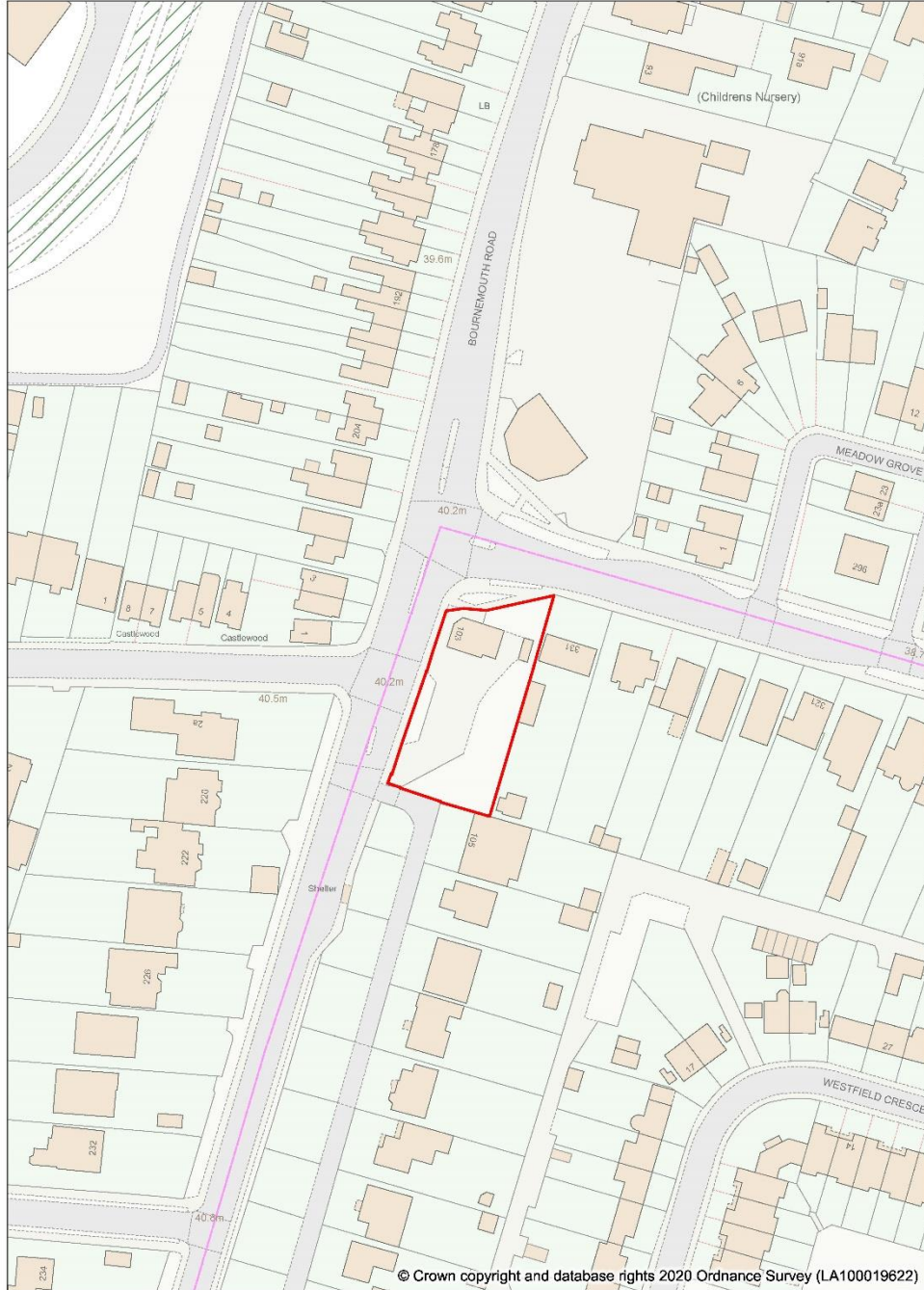
Other material considerations

91. None.

Conclusion

92. In conclusion, it is considered that the development is acceptable in terms of use, layout and design and that it achieves the balance advocated within national planning policy of making efficient use of this sustainably located and currently vacant brownfield site and achieving appropriate densities, whilst at the same time respecting the character of the area, promoting regeneration and change, and securing well-designed, attractive places. It is also acceptable in terms of its highway impacts and in respect of the matters of trees, ecology and residential amenity. Overall therefore and subject to final comments being received in respect of drainage and the applicant entering into a legal agreement to secure the requisite contributions for nutrient neutrality, the proposals comply with local and national planning policy provisions and are considered to constitute sustainable development.

Map Title



Department:	Department
Date: 06/11/2020	Scale: 1:1250