

BHH – Bursledon, Hamble and Hound Local Area Committee – Wednesday
24 March 2021.

Application Number: F/20/88749
Case Officer: Clare Martin
Received Date: 15/09/2020
Site Address: Carpark and Land to the rear of 67a to 83 New Road,
Netley, SO31 5BN
Applicant: Scott Pinnick
Proposal: Erection of 2no. 3 bed town houses and 6no. 2 & 3 bed
bungalows with access from New Road.

Recommendation: **Subject to the completion of a planning obligation to secure the following:**

- Daytime public access to the remaining on-site car park.
- Contribution towards the Solent Recreation Mitigation Strategy
- Mitigation for the impact from additional nitrates on the Solent and Southampton Water SPA.
- Contribution towards implementation of a traffic regulation order.

Then delegate to the Head of Housing and Development to PERMIT

CONDITIONS AND REASONS

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: 28086-PD99 Rev A, 28086-PD97 Rev A, 28086-PD098 Rev A, 28086-PD100 Rev A, 28086-PD101 Rev J, 28086-PD102 Rev D, 28086-PD103 Rev B, 28086-PD104 Rev B, 28086-PD105 Rev C, AS/SP/0819 TSP, AS/SP/0819 TCP & BG19.291..
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 excavation, demolition or development related works shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:
 - a) location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;
 - b) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials.
 - c) the parking of vehicles of site operatives and visitors;

- d) measures to control the emission of dust and dirt generated by demolition and construction;
 - e) a scheme for controlling noise and vibration from demolition and construction activities (to include any piling);
 - f) provision for storage, collection, and disposal of rubbish from the development during construction period;
 - g) measures to prevent mud and dust on the highway during demolition and construction;
 - h) temporary lighting;
 - i) safeguards to be used within the construction process to ensure surface water contains no pollutants upon leaving the site.
- Reason: To limit the impact the development has on the amenity of the locality
- 4 No excavation, demolition or development related works shall take place on site until an arboricultural method statement and tree protection plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), are submitted and approved by the LPA. The approved documents must be adhered to in full, and may only be modified subject to written agreement from the LPA. The development must accord with the arboricultural report reference AS/WB/0819. Reason: to retain and protect the existing trees which form an important part of the amenity of the locality.
- 5 No excavation, demolition or development related works shall start on site until the following has been submitted to, and approved in writing by the Local Planning Authority: (a) Report of preliminary investigation comprising a Desk Study, Conceptual Site Model and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Reports Nos. 11 CLR11, and BS10175:2011+A2 2017 Investigation of potentially contaminated sites Code of Practice, and, unless otherwise agreed with the Local Planning Authority; (b) A report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation in accordance with BS10175:2011+A2 2017 and BS8576:2013, and, unless otherwise agreed with the Local Planning Authority; (c) A detailed site specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- Reason: To minimise the risk from land contamination for public safety in accordance with Saved Policy 32.ES of the Eastleigh Borough Local Plan (2001 - 2011) and Policy DM8 of the Emerging Eastleigh Borough Local Plan (2016 - 2036). This condition is required prior to commencement to ensure that the development, including clearance, of the existing site does not result in an impact on public safety.
- 6 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority verification by the competent person approved under the provisions of the above condition 5(c) that any remediation scheme required and approved under the provisions of the

above condition 5(c) has been implemented in full in accordance with the approved details (unless varied with the written permission of the local planning authority in advance of implementation). Unless agreed in writing with the local planning authority such verification shall comply with the guidance contained in CLR11 and EA guidance for the safe development of housing on land affected by contamination - R&D Publication 66:2008. Typically such a report would comprise:(a) A description of the site and its background, and summary of relevant site information (b) A description of the remediation objectives and remedial works carried out (c) Verification data including - sample locations/ analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc (d) Certificates demonstrating that imported and /or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the approved scheme under condition 5(c).

Reason: To minimise the risk from land contamination for public safety.

- 7 No development shall start until details of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The drainage system shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure satisfactory drainage for the development.

8

No development above DPC level shall start until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) details and samples of the materials to be used in the construction of the external surfaces of the building.

b) the alignment, height and materials of all walls, fences and other means of enclosure

c) plans including cross sections to show proposed ground levels and their relationship to existing levels both within the site and on immediately adjoining land.

d) width, alignment, gradient and type of construction proposed for the road and site access.

e) the provision to be made for the parking of vehicles including surfacing details and measures to distinguish residents parking from public car parking spaces.

f) provision of cycle storage

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

Reason: To limit the impact the development has on the locality.

- 10 Notwithstanding the submitted details, the dwellings hereby approved shall not be occupied until a revised landscaping scheme and full planting schedule for all trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority. The details shall include species, size, form, container and

spacing. The agreed landscaping scheme shall be fully implemented by the end of the first planting season following completion of the development. For a period of no less than 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

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

- 11 The dwellings hereby approved shall not be occupied until details for the ongoing maintenance and management of the ecological enhancement area, landscaping, access road and car parking areas has been submitted to and approved in writing by the Local Planning Authority. The development shall be managed and maintained in accordance with the approved details.
Reason: To protect and enhance biodiversity and to ensure long term maintenance of the communal area of the site.
- 12 The dwellings hereby approved shall not be occupied until the access, including the footway and verge crossing, has been constructed and lines of sight of 2.4 metres by 43.0 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.
Reason: To provide satisfactory access and in the interests of highway safety.
- 13 No dwelling hereby approved shall be occupied until such time as the parking spaces and other service facilities for that unit, including bin collection points, vehicle turning areas, garden boundary treatments and access roads and paths, have been fully provided in accordance with the approved plans. The parking spaces shall be retained at all times for residents parking.
Reason: To ensure the parking and other supporting infrastructure is available for residents of each unit from the time of first occupation.
- 14 The dwellings hereby approved shall not be occupied until 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 has been submitted to and approved in writing by the Local Planning Authority. In respect of energy efficiency, a standard of a site wide 19% improvement of dwelling emission rate over the target emission rate as set in the 2013 Building Regulations. In respect of water consumption, a maximum predicted internal mains water consumption of 105 litres/person/day.
Reason: To support a comprehensive approach to high quality design across the site; in line with the guidance set out in the Government's Ministerial Statement of 25 March 2015 which states that Local Planning Authorities should, from the date of its publication, take into account the government's intentions in the statement and not set conditions with requirements above a Code level 4 equivalent.
- 15 The development hereby approved shall be carried out in accordance with the measures outlined within the preliminary ecological appraisal (by Brindle & Green Ecological Consultants, Referenced BG19.291, dated September 2019)

and in accordance with the approved Biodiversity Enhancement Plan BG19.291 Rev P01 dated 25.02.21). Unless otherwise stated all approved biodiversity enhancements shall be in place before the end of the first planting season following occupation of the dwellings.

Reason: To protect and enhance biodiversity .

- 16 The first floor windows on the side elevations of plot 2 shall be obscure glazed to Pilkingtons level 3 or equivalent and non-opening below 1.7 metres above the floor of the room in which they are installed. Once installed the windows shall be permanently maintained in that condition.
Reason: To protect the amenity and privacy of the adjoining residential property.
- 17 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.
- 18 No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.
Reason: To protect the amenities of the occupiers of nearby dwellings.
- 19 No driven pilling shall take place on the development hereby permitted.
Reason: To protect the amenity of the occupiers of the nearby dwellings.
- 20 Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any order revoking or re-enacting that order with or without modification] no development permitted by Part 1 Class A, B or C of Schedule 2 of the order shall be carried out without the prior written approval of the Local Planning Authority.
Reason: To protect the amenities of the locality and to maintain a good quality environment.
- 21 Notwithstanding the provisions of the Town and Country Planning [General Permitted Development Order] 2015, [or in any provision equivalent to that Class[es] in any statutory instrument revoking and re-enacting that Order with or without modification] no access other than that showed on the approved plan shall be formed on New Road.
Reason: In the interests of highway safety

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.

Report:

This application has been referred to Committee as it is considered to be controversial and the previous planning application on the site was determined by Bursledon Hamble and Hound Local Area Committee

Proposal and Planning History

1. The proposal is for the construction of 2no. two storey houses fronting New Road and leading to a further 6no. bungalows/ chalet bungalows at the rear of the site.
2. A planning application for the two houses at the front of the site was previously considered by the Bursledon Hamble and Hound Local Area Committee in September 2020 (under F/20/87411), which resolved to grant planning permission subject to the completion of a S106 agreement.
3. This previous application proposed sixteen public use car parking spaces to replace the loss of the existing car park on which it was situated. Sixteen spaces are also proposed within this current application, but they have been rearranged to allow vehicular access to the rear of the site.
4. Under the current proposal the site has been extended to include an area of overgrown gardens behind the houses along Station Road and the Sea View Estate. It is proposed to accommodate six semi-detached bungalows and chalet bungalows in this area, which will be positioned around a central parking courtyard. At the back of each property is a small private garden and behind this is a large ecological enhancement area. The application also includes provision for bin collections and landscaping.
5. The application is accompanied by the following reports and technical assessments:
 - Design and Access Statement
 - Parking Survey and Access Technical Note
 - Nitrates Assessment
 - Preliminary Ecological Appraisal
 - Tree Survey and Constraints Plan
 - Site Survey
 - Transport Statement

EIA & HRA Screening

6. As this is a small scale housing development the proposal has been screened out under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011
7. Due to the recreation and nitrates impact of the development on the Solent and Southampton Water SPA, screening under the Habitats Directive has been undertaken and these impacts are discussed within a later section of the report.

Site Characteristics

8. The site is accessed from New Road between no.67 (a salon) and no.67a (a residential property). The front section of the site comprises a large area of hard standing, which is owned and used as parking for the Netley Central Sports Club and previously provided a free car park for visitors of Netley. The parking is capable of holding 24 vehicles. There is an established hedge along the south eastern boundary with no.67 and the remainder of the car park is bound by a mixture of fencing and walls.
9. The rear of the site contains an overgrown garden with some old fruit trees. The site contains areas of scrub and dense vegetation and there are a small number of rundown outbuildings. The rear of the site is surrounded by houses and enclosed by a mixture of vegetation and close boarded fencing.
10. The site covers an area of approx. 3000m² (3.2 ha) and there is a gentle upwards slope from the entrance with New Road towards the rear of the site.

Character of the Locality

11. The site is located on the south eastern edge of Netley Village Centre where there is a small range of shops and local amenities. On its other sides the site is bordered by residential properties. The buildings within the immediate area are a mixture of one, two and three storeys in fairly traditional architectural styles.
12. The opposite side of New Road marks the south eastern tip of Netley Conservation Area, which contains a number of listed buildings although none of these are close to the application site. On the corner of New Road and Station Road is Netley Library, which is recognised as a building of local importance.

Representations Received

13. Twenty two representations were received (comprising nineteen objections and three comments) raising the following issues:
 - Impact on local infrastructure and services.
 - Erodes village character.
 - Increase in traffic, noise and light pollution.
 - Loss of green space, habitat for wildlife and tree coverage.
 - Loss of public car park, which will have a detrimental impact on viability of Netley village centre.
 - Proposal will increase existing on street parking and exacerbate highway safety issues.
 - Lack of visibility at site access.
 - Overdevelopment of the site - too much housing development in Netley
 - No provision made for pedestrian and disabled people.

- Contrary to building regs requirements for emergency access.
- Insufficient manoeuvring space for refuse vehicles
- Restricts bin servicing for Netley Social Club
- Insufficient car parking.
- Hedgerows need to be retained and maintenance details provided.
- No drainage information provided.
- Need to mitigate for additional nitrate load on waste water infrastructure.
- Noise from people leaving Netley Social Club will disturb residents.
- Too great a distance between bin storage area and rear bungalows.
- No provision for electric car charging points.
- Car parking survey does not reflect residents' experiences of car parking in the locality. Accident data does not reflect minor accidents, which are not reported.

Consultation Responses

Ecology Officer:

14. I am satisfied with the creation of an ecological enhancement area. The biodiversity enhancements proposed are acceptable and follow advice previously given by the Ecology Officer. Details will be required as to how the area will be protected and managed.
15. The inclusion of integral bat and bird boxes along with holes in the kickboards of the close boarded timber fencing are helpful features. Reptile habitats should also be provided on site.
16. In terms of drainage, the soil infiltration results indicate that soakaways will be appropriate and permeable paving will be used.

Tree Officer – No objection

17. Amended plans have been received to increase the number of trees and canopy cover on the site. A tree protection condition is recommended.

Landscape Officer – Comment

18. Feedback has been provided by the landscape officer on the proposed planting scheme. A full planting schedule is required via condition.
19. Furthermore, a landscape management and maintenance plan is required, especially for the wilder areas beyond the gardens. This area is separated by a post and rail fence and native hedges containing prohibitively spiny species, which will make sections of this area inaccessible. Details will need to be secured as to how this area will be established and maintained.

Transport Officer (HCC): No objection, subject to conditions regarding site access details, securing parking provision & construction method statement.

- Parking is compliant with EBC residential parking standards.
- The proposal will retain 16 of the current 24 parking spaces. Based on the supporting information, it is anticipated that this shortfall would be acceptable with alternative parking in the locality and not resulting in a severe highway impact.
- A contribution of £6K is secured towards the implementation of Traffic regulation Order's (TROs), primarily at the proposed access junction.
- Tactile paving and drop kerb is to be provided at the site entrance to allow for pedestrians close to the retail centre.
- A Section 278 highways agreement will be necessary for changes to the access.
- Internal vehicle tracking has been undertaken for a refuse vehicle of adequate size, although space provided is tight.

Built Heritage Consultant: No objection

- Proposal will introduce a building into the unfortunate gap in the New Road street-scene caused by the car parking area.
- The layout works well with a clear division of public and private spaces.
- The proposed buildings are at slightly differing levels and the use of yellow brick for the middle units give variety and separation.
- The low profile buildings will reduce the apparent intrusion on the view from the rear of surrounding properties.

Environmental Health: No objection, subject to land contamination and construction hours conditions.

Natural England: Comment

20. It is considered that without appropriate mitigation this proposal would have a significant effect on the Solent and Southampton Water SPA & Ramsar, Solent Maritime SAC, Solent and Dorset Coast SPA & Ramsar.

21. Natural England notes that your authority has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Habitat Regulations and makes the following comments:

- Further information is required on the proposed surface water quality management measures.
- Contributions need to be secured for mitigation towards the increased recreational disturbance on the SPA.
- It is noted that the applicant intends to use the Hampshire and Isle of Wight Trust Offsetting Scheme for this development to provide nutrient offsetting. Providing this mitigation is secured in perpetuity for the lifetime of the development then there would be no water quality impacts on the SPD.
- A construction environmental management plan should be secured by condition.

Hound Parish Council: Objection

- Highway Safety Concerns
- Poor Layout
- Loss of Trees
- Over-development
- Loss of Amenity & Car Parking.

Policy Context and Designations Applicable to Site

- Within Built-up Area Boundary
- Within Established Residential Area
- Adjacent to Designated Conservation Area (Netley Abbey).
- Close to Locally Listed Building (Netley Library to the west)
- Within HRA Screening Area
- Within Catchment Area of Solent and Southampton Water SPA and SAC.
- Within Solent Recreation and Disturbance Zone.

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

- 25.NC (Promotion of biodiversity);
- 26.NC (Protection of wildlife network);
- 28.ES (Waste collection and storage);
- 34.ES (Reduction of green house gases);
- 37.ES (Energy efficiency);
- 45.ES (Sustainable drainage);
- 59.BE (Design criteria);
- 72.H (Density);
- 100.T (Transport criteria);
- 102.T (New accesses);
- 104.T (Off-highway parking);
- 169.LB (Conservation areas);
- 190.IN (Infrastructure provision);

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014

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

Submitted Eastleigh Borough Local Plan 2016-2036

23. The 2016-2036 Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020. The Council is progressing with modifications to the Local Plan to

enable its adoption, anticipated in mid/ late 2021. Given the status of the Emerging Plan, and the policies related to this development site, it is considered that overall considerable weight can be attributed to it. The most relevant policies are:

- S1 (Sustainable Development);
- S2 (Promotion of New Development);
- S3 (Housing Locations);
- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM3 (Adapting to Climate Change);
- DM6 (Sustainable Surface Water & Watercourse Management);
- DM8 (Pollution)
- DM10 (Water and Waste Water);
- DM11 (Nature Conservation);
- DM12 (Heritage Assets)
- DM13 (Transport);
- DM14 (Car Parking);
- DM23 (Residential Development in Urban Areas);
- DM32 (Space Standards):

Supplementary Planning Documents

- Quality Places (November 2011);
- Biodiversity (December 2009);
- Environmentally Sustainable Development (March 2009);
- Residential Parking Standards (January 2009);
- Character Area Appraisal – Bursledon, Hamble-le-Rice and Hound (January 2008)

National Planning Policy Framework

24. 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.

25. The three identified dimensions of sustainability should 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

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

Assessment of Proposal: Development Plan and / or Legislative Background

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

Principle:

28. The site is located within the built-up area boundary and within a sustainable location next to shops and services within Netley Village Centre. As such the principle of the housing development is considered acceptable, subject to consideration of the details of the proposal against the relevant local and national planning policies.
29. The application is for eight dwellings, which at 27dph is a relatively low density development. However, the proposal reflects the character and spacious nature of dwellings in the locality and is therefore considered an appropriate level of development. As the site is currently undeveloped, the addition of eight dwellings would make a more efficient use of urban land and as such is in line with the aspirations of Saved Policy 59.BE (ii), and para 122 of the National Planning Policy Framework
30. It is noted that third parties have raised a number of concerns regarding the level of development taking place in Netley Abbey with particular issues including the level of traffic and ability of local facilities to cater for new residents. However, given the relatively small scale of the development, the increase in residents in this area is not considered to result in a significant impact on the function of the highway or cause detriment to local services.
31. As previously mentioned, there is a resolution to grant planning permission for the two dwellings at the front of the site on the area previously used for car parking. The application was considered in September 2020 and there are not considered to have been any changes that warrant reaching a different conclusion to the previous application. As such this part of the scheme will be briefly touched on

within the remainder of the report with the main focus being on the six new dwellings in the rear section of the site.

Design and Impact on the Character of the Locality

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.

33. The proposal is for six semi detached dwellings at the rear of the site and these are positioned in an L shape around a central parking courtyard. The dwellings are of a modest scale, the two middle properties being 1.5 storey chalet bungalows with small dormer windows and the remaining properties being single storey bungalows. The dwellings are of a traditional design with a good level of detailing and pleasant features.

34. The central car park for the rear dwellings is nicely landscaped with tree planting and there is further planting throughout the site. The rear section is accessed via a private road and the low level dwellings are tucked away behind existing two storey houses. As such this element of the proposal will not be readily apparent from the public realm and will have a limited impact on the mixed residential/ commercial character of the locality.

35. The proposal also includes 2no. two storey houses at the front of the site along New Road. These houses follow the traditional form, scale and layout of the existing dwellings along New Road and will infill the current gap within the street scene. The houses have a high level of detailing and will make an appealing addition to the street scene as well as the approach to Netley Abbey Conservation Area.

Residential Amenity

36. 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. 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.

37. In this respect, therefore, there are two primary considerations, these being the ensuring of an acceptable level of amenity for the future occupiers of the development and the impacts upon the amenity of the occupiers of existing neighbouring properties. In these regards, the Council's Quality Places SPD provides design guidance in relation to a range of matters including residential amenity and outlines a variety of standards for new development on issues such as privacy, daylight and sunlight, as well as minimum amenity space sizes.
38. In terms of future residents, the proposed dwelling's range in size from three bed two storey houses at the front to a collection of two and three bed bungalows/ chalet bungalows to the rear. All the dwellings meet the minimum floor space requirements set out within the nationally described space standards and provide a private rear garden of at least 60% of the dwelling floor space (as set out within Quality Places SPD). As such the dwellings are considered to provide a reasonable living environment for the future residents.
39. In terms of the potential impacts upon existing occupiers, the proposed dwellings all meet the daylight and amenity tests outlined in the Quality Places SPD. The front two dwellings follow the established pattern of development along New Road and an obscure glazing condition will limit visibility between the proposed first floor side window of plot 2 and the existing side window in the house at 67a.
40. The rear dwellings are low level properties with most being single storey. The dwellings are positioned at the end of the gardens for the houses along Station Road and the Sea View Estate, where they are not considered to unacceptably affect the light or outlook of the neighbouring dwellings.
41. In terms of separation distances, a distance of 22m is required between existing and proposed first floor windows in order to maintain privacy. The proposal meets this standard, apart from Plot 6 where its rear dormer windows are 20m from the house that is being proposed in the grounds of 27 Sea View Estate (and currently being considered under F/19/86015). However, these properties are at an angle to each other rather than directly facing and so the 20m separation distance is considered reasonable and will not result in an unacceptable loss of privacy.
42. The proposal is considered to accord with planning policies, in that it provides an acceptable level of amenity for the future occupiers of the development and does not unacceptably affect the outlook, daylight or privacy of neighbouring dwellings.

Car Parking and Highway Safety

43. 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 policy provisions are considered to be consistent with the requirements of the NPPF and in particular those of paragraphs 108 and 109.
44. In terms of car parking, each property has two on site parking spaces and there are a further four shared visitor spaces, which are either provided within the central parking courtyard or behind the two houses at the front of the site. The level of car parking accords with the Council's residential parking standards SPD and as such should not lead to overspill car parking on the surrounding public roads.
45. For bin collection, a collection point has been provided at the car park entrance for the rear properties, to prevent bins having to be pulled along the access road on collection day. Vehicular tracking details demonstrate that a refuse lorry can access the rear of the site, although it is noted that manoeuvring the refuse vehicle is rather tight.
46. The site access accords with visibility standards and the front of the site follows the layout of the previous scheme. Third parties have raised safety concerns about the development resulting in additional on street parking, particularly around the access junction where cars could obscure site lines. In line with the Highway Officer's consultation response, and due to the nature and scale of the proposed development, a contribution of £6K towards a traffic regulation order at the proposed access junction is to be secured as part of the Section 106 Agreement.
47. An issue raised by third parties is that there is no separate pedestrian/ disabled access linking the rear properties to New Road. However, the access road is wide enough for a car and pedestrian to safely pass one another. A shared surface is considered acceptable given that cars will need to travel at low speeds and the relatively modest vehicular movements involved.
48. For the reasons set out above, the proposal is considered to provide an acceptable means of access and car parking for development and not adversely impact highway safety. As such the proposal accords with Saved Policy 59.BE (v.), Saved Policy 104.T and guidance within the National Planning Policy Framework.

Provision of Public Car Parking

49. Third party representations have highlighted the loss of the current public car parking facility, and the impact this would have on both trade for the existing business and the resulting additional cars which would park on the surrounding roads causing a traffic obstruction.

50. However, this issue was considered in detail during a previous local area committee where Members resolved to grant planning permission for the two houses on the existing car park at the front of the site, subject to the completion of a Section 106 Planning Agreement. The agreement is to secure the remaining sixteen spaces behind the Netley Social Club to be available for public use in perpetuity between the hours of 7am and 6pm Monday to Friday (Excluding Bank Holidays) and 7am to 1pm on Saturdays, Sundays and Bank Holidays.

51. The current proposal has adjusted the layout of the sixteen publicly useable car parking spaces to provide vehicular access for the dwellings to the rear of the site and include room to turn a refuse collection lorry. Fifteen of the public car parking spaces have been repositioned within the area directly behind the social club while the final space is located to the side of this area within the turning space created for the refuse lorry. It is noted that access to this parking space could be limited for the short time that the refuse vehicle is on site, however, the tracking vehicles do not show the refuse lorry driving over this space.

52. It is therefore considered that the changes in the public car parking are not considered to have a significant impact on the viability of Netley Village Centre or raise additional highway safety issues over and above that of the previous application. The spaces will be provided on the same terms as the previous application and secured via the completion of a S106 agreement.

Trees, Ecology and Landscaping:

53. Saved Policy 59.BE (i) requires development to take full account of natural features and trees worthy of retention and these requirements are in line with the National Planning Policy Framework.

54. Saved Policy 25.NC looks to protect habitats and ecological features of importance. Since the adoption of these policies, the ecological requirements have been strengthened with paragraph 170 d) of the NPPF requiring development to minimise impacts on and make provision for biodiversity.

55. Neighbour comments have highlighted the loss of the trees and vegetation covering the rear section of the site as this provides a habitat for wildlife. However, there are no protected trees within the site and none of the individual trees have an amenity benefit worthy of this level of protection. Therefore, while it is disappointing to see the loss of this green space for housing, the site is privately owned land and can be cleared without planning permission regardless of the outcome of this application.
56. The proposed application retains some of the existing perimeter hedging, particularly along the sites rear boundary and alongside the access road. Additional tree and vegetation planting has also been added around the car parking area and close to the rear gardens. While the level of tree and vegetation cover will inevitably be less than the current site, the opportunities for planting has been maximised while still accommodating the eight dwellings. No objection has been raised by the tree officer.
57. Furthermore, in order to replace some of the vegetation lost to the development, the garden sizes have been reduced and an ecological enhancement area created behind the rear dwellings. This area will accommodate a mixture of woodland meadow and woodland flower meadow and thus retaining a habitat for some of the creatures currently using the site. On this basis no objection has been raised by the Ecology Officer.
58. A condition will be used to establish and ensure the maintenance arrangements and long term protection of the ecological enhancement area and landscaping within the site. Further conditions will be applied to ensure that bat and bird boxes and reptile habitats are provided as outlined with the preliminary ecological appraisal.

Drainage and Flood Risk

59. Saved Policy 45.ES requires development proposals to incorporate measures for the disposal of surface water, where practical through sustainable drainage systems and include maintenance arrangements. The policy requirements are in line with the National Planning Policy Framework, with paragraph 165 requiring sustainable drainage systems to be incorporated into major developments.
60. The rear of the site is currently an overgrown area and it is recognised that the proposed development will increase the level of hard surfacing on the site, and as such without appropriate drainage, has the potential to increase the level of surface water runoff.

61. It is the applicant's intention to use soakaways to deal with the surface water drainage and preliminary findings from the soil infiltration tests indicate that this is a viable solution for the site with the final details being secured via condition. It will also be a requirement for hard surfacing to be permeable. With these measures in place the proposal is considered to accord with Saved Policy 45.ES.

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

Sustainability Measures and Climate Change:

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

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

Land Contamination:

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

66. Due to the previous use of the site as a car park there is the potential for the site to be impacted by contaminants and/or made ground. As such conditions are recommended to secure preliminary investigation, site investigation and a scheme for remedial works unless the investigation shows this not to be necessary. A condition is also recommended for the submission of a post-completion report demonstrating that the

remediation has been completed successfully thereby negating harm from contaminated land to future occupiers.

Impact on the Special Protection Area through nutrification:

67. The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the coastline and their sea. There are high levels of nitrogen and phosphorus input into this water environment with sound evidence that these nutrients are causing eutrophication at the designated sites (Solent & Southampton Water Special Protection Area (SPA) and Ramsar site and the Solent Maritime Special Area of Conservation (SAC)). These nutrient inputs are currently caused mostly by wastewater from existing housing and agricultural sources. The resulting dense mats of green algae are impacting on the Solent's protected habitats and bird species.
68. There is the potential for future housing developments (which involve a net increase in dwellings) across the Solent region to further exacerbate these impacts and thereby create a risk to the potential future conservation status of the Solent Complex and the features for which it is designated, therefore acting against the stated conservation objectives of the European sites.
69. Natural England have advised that residential developments achieve nutrient neutrality. To this end, Natural England have published methodology to calculate nitrate levels and produce a 'nutrient budget' regarding the existing and predicted levels of nitrates leaching into the water environment. This budget should be able to demonstrate no increase in nutrients, known as "nutrient neutrality". Where an increase in nutrient levels is expected, Natural England advise mitigation should be provided to offset this increase and ensure the protected habitats are protected, prior to issuing a decision. Following recent case law, the LPA are no longer able to condition mitigation details be provided post permission being granted.
70. Through S106 obligations, mitigation off-site through the removal of land from agricultural use is provided and, as competent authority, Eastleigh Borough Council has undertaken the Appropriate Assessment on this basis with the conclusion that the impact can be satisfactorily mitigated. The applicant has committed to using the Hampshire and Isle of Wight Wildlife Trust scheme which if Members are minded to permit the scheme will be secured by legal agreement.

71. Impact on the Special Protection Area through recreational disturbance

72. Another ecological issue is that the site is located within the 5.6km buffer of the Solent & Southampton Water Special Protection Area, which is an internationally designated conservation site and is protected for its overwintering birds. The proposal will result in eight new dwellings being constructed on the site and it is recognised that new house building is placing increased pressure on these overwintering birds from an increase in people visiting the coastline.

73. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy (based on the number and size of the dwellings), which through ongoing management of the coastline will mitigate the increase in the recreation disturbance caused by the development. The applicant has committed to making this payment, which if Members are minded to permit the scheme will also be secured by legal agreement.

Planning obligation /considerations

74. In line with ministerial statements and case law this development for eight additional dwellings cannot require contributions towards affordable housing or tariff style contributions towards matters such as transport infrastructure. Excluded from this are contributions towards mitigating the direct impacts of the development in terms of the impact of nutrients on the Southampton and Solent Special Protection Area and SAC, the applicant has suggested that they wish to use the scheme promoted by the Isle of Wight Wildlife Trust to mitigate this impact.

75. An additional contribution will be required towards the Solent mitigation and disturbance strategy, which manages the coastline in order to offset the recreational pressure from new housing developments on overwintering birds in the Solent and Southampton Water SAC.

76. A final contribution will be required towards the creation of a traffic regulation order.

77. The applicant has confirmed their agreement to allow access to the remaining social club car park for public use. The land falls outside of the application site, but is within the applicant's ownership, so a legal agreement will need to be completed to ensure its use in perpetuity.

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

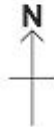
Other material considerations

Equalities Implications:

79. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
- a. A public authority must, in the exercise of its functions, have due regard to the need to:
 - i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
80. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion

81. The proposal for residential development on this site is considered to be acceptable in principle as it is located in a sustainable location, within the urban area, close to local facilities. The loss of the car park and private green space is a negative result, but one that currently cannot be controlled via the planning process. However, the proposal will include a smaller ecological enhancement area to replace some of the habitat lost. In addition, the applicant has offered public access to, and use of, the car parking area belonging to the social club. These positive benefits can be secured by a planning obligation.
82. It is considered that the impacts on amenity, ecology, landscape and drainage are acceptable and the development would comply with the relevant Saved Policies of the Eastleigh Borough Local Plan (2001 – 2011). The recommendation is therefore to delegate the decision to permit to the Head of Housing and Development subject to securing public access to the remainder of the car park and contributions towards the mitigating the development impact on the SPA.



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