

HEWEB, Hedge End, West End and Bursledon Local Area Committee 1st November 2021

Application Number: F/20/88079
Case Officer: Rachael Morris
Received Date: 23rd June 2020
Site Address: Land to the rear of 82 St John's Road, Southampton, SO30 4DF
Applicant: Mr W. Newman
Proposal: Erection of 1no. detached three-bedroom bungalow provided with associated access, car parking, amenity space and storage facilities (amended description).
Recommendation: Permit subject to suggested conditions and:

- Securing mitigation towards the development's impact on the Special Protection Area by way of nitrates and recreational disturbance

CONDITIONS AND REASONS:

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: P01, P02, P03 Rev B, P05 Rev B, P06 Rev B, P07 Rev B, P08 Rev B, P09 Rev B, P10 Rev B, P11 Rev B, P12 Rev B, P13 Rev B, P14 Rev B, P15, P16 Rev B

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

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

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

3. No construction or demolition work shall start until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP should address the following impacts:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;

- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (h) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers.
- (j) Dust suppression
- (k) Chemical and/or fuel run-off from construction into nearby watercourse(s)
- (l) Waste disposal

Demolition and construction work shall only take place in accordance with the approved method statement.

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

4. The development must accord with the arboricultural report reference 20184-AA-DC. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan reference 20184-BT1. 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 and may only be modified subject to written agreement from the LPA.

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

5. No development shall commence, above damp-proof course level, until details of the materials to be used in the construction of the external surfaces of the dwelling; paving and external floor surfacing materials; the gated entrance and front boundary treatment; and the bin and cycle store have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

6. The development shall not be occupied until a site wide landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard & soft landscaping [including trees and boundary treatment] and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard. The site wide landscaping scheme shall

be completed by the end of the first planting season following occupation of the dwelling.

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

7. Prior to the occupation of the development, 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; 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

8. 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

9. 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.

10. 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 following ecological measures are approved and shall be followed:
 - The bird roosting boxes shall be installed prior to first occupation.
 - Native fruiting shrubs shall be planted in the hedgerow prior to first occupation.

- The hedgerows shall be managed so that only part of them are trimmed during any one year, on a 3 year rotation so that there are always berries available.
- A native wildflower mix such as Emorsgate EH1 F shall be planted along the hedgerow prior to first occupation.
- A flowering lawn mixture shall be used such as Emorsgate EL1 or EM2 prior to first occupation.
- The closed board fencing shall have 15 x 15 cm gaps in the baseboards to allow the passage of small mammals such as hedgehogs between neighbouring gardens, and shall be installed prior to first occupation

Reason: To protect and enhance biodiversity.

12. The development shall be built in accordance with the approved levels as shown in drawings P12 Rev B titled 'Bungalow Sections AA and BB'.

Reason: To ensure the protection of neighbouring residential amenity.

13. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification], no development permitted by Classes A, AA, B, C, D and E of Part 1 of Schedule 2 of the order shall be carried out without the prior written consent of The Local Planning Authority.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

Note to applicant. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard 'Code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues', available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>

Note to applicant. Whilst HCC Highways Development Planning has no objection in principle to the proposed dropped kerb, the developer should be made aware that subject to any planning permission that may be granted by the Local Planning Authority, a subsequent permission will need to be granted by HCC as Highways Authority to undertake the dropped kerb works on the highway. Details of this procedure can be found via the following link: <https://www.hants.gov.uk/transport/parking/droppedkerbs>

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

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:

1. This application has been referred to committee by The Executive Head for Planning and Economy.

Description of Application

2. This application proposes the erection of 1no. detached three-bedroom bungalow provided with associated access, car parking, amenity space and storage facilities. This is an amended description, whereby over the course of the application's life the design has been amended by way of reducing the footprint (pulling in further from the rear and side boundaries), amending the roof form to one roof type, and reducing the dwelling by one bedroom.
3. The application proposes a detached bungalow to the centre of the plot, allowing for an area of parking to the front with associated bin and cycle storage and providing the private amenity garden space to the rear. The bungalow is all on one floor although the proposal includes some excavation to sink the proposal down into the site.
4. The application is accompanied by the following reports and technical assessments:
 - Design and access statement
 - Ecological appraisal
 - Tree protection method statement.

Site Characteristics and Character of the Locality

5. The application site is within the established residential area of Hedge End. The site was formerly part of the rear garden of 82 St Johns Road, a detached, two-storey property to the south-east that dates from the turn of the 20th century. The ownership of the appeal plot is now severed from the former host property.
6. The land drops from the south-east to the north-west, with the remaining area of No 82's back garden being terraced above the appeal site, and also from the north-east to the south-west with No 84 being on slightly higher ground and No 80 on slightly lower. To the north-west of the site is a

more modern development, Norman Gardens, which predominantly comprises bungalows.

Relevant Planning History

REFERENCE	DESCRIPTION	DECISION
F/15/76948	Erection of 3-bedroom detached bungalow with detached garage, associated parking & amenity space.	Refused Jan 2016 (dismissed at Appeal July 2016)
F/15/75840	Construction of 2no. three-bedroom semi-detached chalet style dwellings with associated parking & amenity space with access from Norman Gardens.	Refused Jul 2015 (dismissed at Appeal Dec 2015)
F/14/74670	Erection of 2no. Two bed dwellings with associated detached double garage, parking and amenity space.	Refused Jul 2014
F/07/60238	Construction of 2 semi-detached chalet bungalows with integral garage & access from Norman Gardens.	Withdrawn Sep 2007
Z/18255/001/00	Outline: erection of detached bungalow	Refused Jan 1989
Z/18255/000/00	Erection of a single storey dwelling	Refuse May 1978 (Appeal Dismissed Aug 1979)

Representations Received

7. 16.no representations have been made, 12.no of these were objections and 4.no were comments. The points from these representations are summarised below:

- Design not in keeping
- Overdevelopment/too large
- Out of place
- Need to preserve countryside
- Need to be protect wildlife areas
- Climate change
- Too much new housing
- Not enough schools
- Not enough parking
- Not enough general infrastructure
- Lack of room for children to play
- Additional traffic

- Overlooking and impact on privacy
- Increase in noise from rear garden
- Removal of soil and site clearance undertaken prior to planning decision
- Sets a precedent for other future development
- Boundary contested
- Need to keep as many green spaces as possible
- Intended use
- Drainage and flooding issues
- Change of roof form from sedum to a solid pitched roof is less sustainable

Consultation Responses

8. **Tree Team** - No objection, subject to conditions

9. **Ecology Team** – No Objection

10. **Urban Design Team** - No objection - I agree that the footprint needs to be reduced and I think the draft amended plan looks about right. I have no objection to the design, although I have always thought that the mix of low pitch and flat parapet roof is a little awkward. However, it will probably help reduce its visual presence in the street scene. In my view, the design appears to have adequately overcome all previous reasons for refusal.

11. **Natural England** - No objection subject to securing appropriate mitigation

12. **Southern Water** - No objection. The consultation includes a plan showing the approximate position of the existing water distribution main within the development site. A copy of which is available on the Eastleigh Borough Council website. The exact position of the public water distribution main must be determined on site by the Applicant in consultation with Southern Water.

13. **Town Council** – Objection on the basis of overdevelopment and not in keeping with the street scene

14. **Highway Officer (HCC)** – No objection from a highways perspective.

Policy Context and Designations Applicable to Site

- Within Built-up Area Boundary
- Within Established Residential Area
- Within HRA Screening Area
- Within Solent Mitigation and Disturbance Zone

Development Plan Saved Policies and Emerging Local Plan Policies

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 greenhouse gases/ Sustainable construction);
- 36.ES (Lighting design);
- 37.ES (Energy efficiency);
- 45.ES (Sustainable drainage);
- 59.BE (Design criteria);
- 100.T (Transport criteria);
- 102.T (New accesses);
- 104.T (Off-highway parking);

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014

15. 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

16. The 2016-2036 Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020. The Council is progressing with modifications to the Local Plan to enable its adoption, anticipated in late 2021/early 2022. Given the status of the Emerging Plan, it is considered that overall considerable weight can be attributed to it. The most relevant policies are:

Strategic policies:

- S1 (Sustainable Development);
- S2 (Promotion of New Development);
- S3 (Housing Locations);

Development Management policies:

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM3 (Adapting to Climate Change);
- DM6 (Sustainable Surface Water Management and Watercourse Management);
- DM10 (Water and Waste Water);
- DM11 (Nature Conservation);

- DM13 (Transport);
- DM14 (Car Parking);
- DM23 (Residential Development in Urban Areas);
- DM32 (Space Standards);

Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Environmentally Sustainable Development (March 2009);
- Biodiversity (December 2009);
- Supplementary Planning Document: Character Area Appraisals – Hedge End, West End and Botley (HEWEB 28).

National Planning Policy Framework

17. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise. A deliverable 5 year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies. Agent of Change principles protect existing businesses.
18. The NPPF refers to the development of residential gardens under paragraphs 71 and 124d. These paragraphs note to resist inappropriate development of residential gardens, for example where development would cause harm to the local area but also stating that planning policies and decisions should support development that makes efficient use of land, while taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).
19. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

National Planning Practice Guidance

20. 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

21. 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:

22. The application site lies within the urban edge, within an established residential area, and sustainably located in relation to a wide range of services and facilities. Within the urban edge the principle of development is acceptable, with any formal planning approval being based upon the exact nature, design and impact of that proposed being considered appropriate and in accordance with the relevant Local Plan policies and Supplementary Planning Documents.

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

24. The proposal would represent the development of a residential garden, which does not fall within the definition of previously developed land (as defined on page 70 of the NPPF, revised July 2020). However, this does not preclude the site from being developed, instead it is up to the decision maker to balance the requirement to make efficient use of urban land verses the potential impact the development would have on the prevailing character of the area. This will be considered below in the detailed assessment section.

25. Of particular importance in the site planning history are two refused planning applications, which were subsequently dismissed at appeal. The first relates to a pair of semi-detached chalet style dwellings (F/15/75840, appeal reference APP/W1715/W/15/3130826) and the second relates to a three-bedroom detached bungalow (F/15/76948, appeal reference APP/W1715/W/16/3145461). The closest to the current proposal was the three-bedroom detached bungalow, which was refused by the Local Planning Authority due to the siting, form, scale, layout and appearance of

the development that would be against the prevailing character of the immediate area. A second reason for refusal was the bulk of the dwelling and its siting to boundaries which would result in a visually intrusive and dominating development when viewed by neighbouring properties.

26. In the Inspector's view the appeal development would represent the insertion of a building that would appear incongruous because of its isolated position and lack of reference to either the properties to the south-east or north-west. In the case of this proposed bungalow its form was substantial and as such failed to articulate any relationship with the difference styles and character of its neighbours. As such, the breaches in the prevailing character were magnified by the topography of the appeal site, which would stand above Norman Gardens creating a sense of overbearing. The appeal bungalow would only have been 1m lower than the semi-detached pair of dwellings previously proposed and so did not negate the material harm that dismissed the previous appeal.
27. Turning to the second reason for refusal, The Inspector did not uphold the Local Planning Authority's argument that the appeal property would give rise to material overlooking, commenting that the limited loss of privacy to no.82 St Johns Road and no.6 and no.9 Norman Gardens was in line with what is seen in urban areas. However, The Inspector was concerned with the relationship to no.80 and no.84 St Johns Road due to the proposal's bulk and proximity to plot boundaries and so the appeal was also dismissed on these grounds.

Character and Appearance:

28. The development proposes a more traditional dwelling than what was originally submitted within this application. The proposal originally submitted was more contemporary with a sedum roof aspect to the rear and hipped roof to the front whereas now this hipped roof will be seen throughout the entire dwelling's roof form and will be finished in zinc to allow for a shallow pitch, not otherwise achievable. Also, during the most recent amendment, the height has increased by approx. 0.4m to allow for the new roof form but still only measures approx. 4m at its highest point.
29. The height of just 4m with the sectional appearance provided throughout the excavation levels simulates that of several outbuildings, which would be commonly found in many residential gardens. The sectional design of the roof form also breaks up the impact of the dwelling when compared to a continuous roof form.
30. This shallow pitch and excavated form results in a low-key design which will sit modestly on the site. The proposed hardstanding, which the previous Appeal Inspector considered to be incongruous, has been reduced in overall width and additional vegetation proposed. The hardstanding with shallow entrance gate helps to soften the dwelling into its plot.

31. The position of the bungalow at the end of the cul-de-sac will finish off the appearance of Norman Gardens. Therefore, whilst the position of the dwelling in the rear garden of no.82 is different from the surrounding properties, the dwelling is not considered to have an unacceptable impact on the character of the locality.
32. Overall, due to the shallow nature of the proposal, this property does not create a dominating nor overbearing dwelling. In addition, the hipped roof bungalow reflects the character seen in Norman Gardens and St Johns Road. The design works hard to not come across as incongruous and not to disrupt the prevailing character of the locality. Instead, this dwelling does make efficient use of the urban land and so the siting within this residential garden plot is considered in this case.

Residential Amenity:

33. Saved policy 59.BE requires proposed development to avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.
34. Although raised in topography, the dwelling is positioned where it will not directly look into any windows to the closest neighbours in Norman Gardens (numbers 6 and 9). Views from the dwelling's other windows will be obscured by the existing boundary treatment (high hedging and fencing). Furthermore, the modest height of the proposed bungalow, along with the reasonable set back from the site boundaries and neighbouring dwellings, means it will not have an unacceptable impact on residential amenity, in terms of a loss of outlook or loss of light.

Living Conditions

35. The proposed bungalow exceeds the nationally described space standards, whereby a 3-bed single-storey dwelling, able to accommodate 6 people must measure 95m². This proposal measures a gross internal area of 144.5m².
36. The proposed amenity space also exceeds the council's requirement for private amenity space. The Quality Places SPD sets out that private amenity space must measure at least 60% of the floor space. A 60% figure would be 86.7m² and the proposed private amenity space measures 216m².
37. While it is recognized the rear garden may feel overshadowed by the properties at St John Road, they are distanced approx. 30m away. Also, the property is within a 10-minute walk to public open space (Hedge End Recreation Playground).

Highways:

38. It is proposed that access will be via a section of turning head in Norman Gardens, and this is acceptable, particularly given that the dimensions of the proposed driveway allow for forward gear access and egress. A drop kerb vehicle crossover will however be required in order to achieve this access from the highway, and the developer should be made aware that subsequent to any permission that may be issued by EBC as Local Planning Authority, a secondary permission will be required from HCC to actually undertake the works.

Parking:

39. The proposed driveway for the dwelling can easily accommodate the minimum of two off-road parking spaces required by the Council's 'Residential Parking Standards' SPD for the proposed three-bedroom dwelling, as well as on-site turning. The application is therefore considered to comply with saved Policy 104.T of the current Local Plan and draft Policy DM14 of the Submitted Local Plan.

40. A small outbuilding to accommodate cycle and bin storage is also provided to the front of the property. The proposed roof slopes down to the boundary, measuring approx. 2.3m at its highest point and approx. 2.1m on the front boundary.

Trees:

41. The amended plans have moved the dwelling's footprint to the southeast, further away from T5. The dwelling is still in the same proximity to T2, which is not ideal as this encroaches into the root protection area. However, providing the arboricultural report and protection plan are followed then there should be no significant impact on the tree.

Ecology:

42. The Council's Ecologist comments that the bird roosting boxes are appropriate.; the hedgerows should be managed so that only part of them are trimmed during any one year, on a 3 year rotation so that there are always berries available; a native wildflower mix such as Emorsgate EH1 F planted along the hedgerow would provide more flowers for pollinators, seeds for birds, and larval food plants for native butterflies; and alternatively, a flowering lawn mixture could be used such as Emorsgate EL1 or EM2 which responds well to regular short mowing but still provides flowers for pollinators.

43. Also, that the closed board fencing should have 15 x 15 cm gaps in the baseboards to allow the passage of small mammals such as hedgehogs between neighbouring gardens.

Impact of Special Protection Area

Nutrient Neutrality:

44. The issue of new development achieving 'Nutrient Neutrality' is a matter that the LPA is required to address.
45. 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.
46. 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.
47. Natural England have advised that there is currently uncertainty over whether mitigation will be required when delivering new residential development to address the existing levels of nitrogen and phosphorus input to the water environment. In light of this, and to provide confidence that the development will be deliverable, it is Natural England's advice that proposed residential developments achieve nutrient neutrality. To this end, Natural England have published methodology to calculate nitrate levels and produce a 'nutrient budget' regarding the existing and predicted levels of nitrates leaching into the water environment. This budget should be able to demonstrate no increase in nutrients, known as "nutrient neutrality". Where an increase in nutrient levels is expected, Natural England advise mitigation should be provided to offset this increase and ensure the protected habitats are protected, prior to issuing a decision. Following recent case law, the LPA are no longer able to condition mitigation details be provided post permission being granted.

48. Through 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 intends to buy nitrates credits from Eastleigh Borough Council's scheme, and this is to be secured before issuing the decision.

Recreational Disturbance SPA - Solent & Southampton Water

49. 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. It is recognised that new house building is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreation disturbance to our coastline through careful management. The Applicant intends to make a payment to the mitigation scheme, which will be secured before issuing the decision.

Sustainability Measures and Climate Change:

50. 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.

51. The NPPF (paragraphs 152-158), 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.

Other material considerations

The Council's Five-Year Housing Land Supply:

52. Also of note is the latest position on the Government- required 5 year housing land supply. The published figure for 1st April 2021 confirms that the Council currently has a 5.9 year supply and a 5% buffer.

Equalities Implications:

53. 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.

54. 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

55. The issues relating to the previous refused scheme for a three-bedroom bungalow have been overcome.

56. The LPA is of the opinion that no harm would be caused to the prevailing character of the immediate area and the construction of a dwelling on this plot makes efficient use of the urban land.

57. Further, the design amendments incorporated into the scheme would not result in an overbearing development impact neighbour amenity.

58. As such the recommended is Permit, subject to securing mitigation towards the development's impact on the Special Protection Area by way of nitrates and recreational disturbance.

Land to the rear of 82 St John's Road, Hedge End



EASTLEIGH
BOROUGH COUNCIL



Department:	F/20/88079
Date: 18/10/2021	Scale: 1:1250